

Online Students Complaint Procedure

1 Introduction

We welcome feedback from students because it is chiefly by listening to students' views that we can monitor the service we are providing and ensure that we continue to provide students with the high level of service that they expect, but also better enable us to improve that service.

This document details the procedure for submitting a formal complaint for students studying an online programme. Students are also advised to consult the University's [Student Complaints Policy and Procedure](#), as there may be instances in which a student requests a Review of a Formal Complaint outcome under the University of Liverpool Student Complaints Policy and Procedure.

We are a large online community, and committed to ensuring that we provide for our students a high-quality educational experience, supported by appropriate academic, student support and professional services. However, we recognise that from time to time, a student may feel dissatisfied with some aspect of their dealings with us, and, when that happens, it is important that the issue is dealt with constructively and as quickly as possible without risk or disadvantage or recrimination. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented.

The Office of the Independent Adjudicator (OIA) define a complaint as:

"An expression of dissatisfaction by one or more students about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider"

Raising a Complaint

- 1.1 This procedure is intended to provide a timely, simple and streamlined process with a strong focus on early resolution.
- 1.2 In the case of a student wishing to escalate a complaint then the expectation would be for them to have followed each stage of the complaint procedure, as they would not usually be permitted to skip a stage. The stages are:
 - A. **Early Resolution (see section 4)** - We seek to resolve concerns swiftly and effectively at the point at which the concern is raised, or as close to that point as possible, for example departmental level. In most cases your Student Support Team will be able to help resolve an informal concern or will be able to connect you with the most appropriate person.
 - B. **Formal Complaint (see section 5)** – If you are dissatisfied with the outcome of the early resolution, or where early resolution is not possible you may submit a Formal Complaint. This will usually be investigated by an independent investigator employed by Kaplan Open Learning, who will be appointed by the KOL Appeals and Complaints team. This stage may include mediation or conciliation where appropriate.
 - C. **Review (see section 8)** – If you are dissatisfied with the outcome of the Formal Complaint, you may escalate your complaint to the University of Liverpool for Review. The Review will usually be conducted by an independent reviewer employed by the University, who will be appointed by the University's Student Conduct, Complaints and Compliance Team.
 - D. **External Review (see section 9)** – If you have exhausted the above stages and remain dissatisfied with the outcome you may submit a request for review by the Office of the Independent Adjudicator (OIA) within twelve months of the date of the Completion of Procedures letter issued by the University of Liverpool.

- 1.3 All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them, and usually within the timeframes outlined in these procedures. Complainants should be prepared to provide evidence to support their concerns or complaint and where required, should use the relevant Complaint Form available on the Learning Platform or website.
- 1.4 If a concern or complaint is made directly to the Kaplan Open Learning Managing Director or directly to the University of Liverpool, it will be passed to the Kaplan Open Learning Appeals and Complaints Team who will ensure that it is referred to the most appropriate person, in line with the published procedure.

Advice, Support and Guidance

- 1.5 Kaplan Open Learning Student Support Advisers and the [Liverpool Guild of Students](#) can provide advice and guidance regarding how to access and engage with the Complaints process. Representatives are permitted to accompany students to meetings at any stage of the procedure. The procedure is an internal process and does not have the same degree of formality as a court of law. A student may be accompanied at a meeting by a friend or colleague, or other member of Kaplan Open Learning or the University of Liverpool, although they may not be accompanied by a legal representative.
- 1.6 If a complainant appears unable to engage effectively with the procedure, it may be necessary to suspend consideration of their concern or complaint until they have accessed appropriate support.
- 1.7 We have a zero-tolerance approach to sexual violence, harassment and hate crime. Students that are the victim of harassment or bullying may submit a complaint and are encouraged to seek support via from the designated Safeguarding Officer at the earliest opportunity.
- 1.8 Students may request as part of their submission reasonable adjustments to these procedures in line with the rights that students retain under the Equality Act 2010. Requests will be considered individually, and students will be notified of

the adjustments that have been agreed in writing and at the earliest opportunity.

Roles and Responsibilities

- 1.9 **The KOL Appeals and Complaints team** coordinate all aspects of the administration and delivery of the formal stage of this procedure.
- 1.10 The University of Liverpool Student Conduct, Complaints and Compliance team conduct all aspects of the administration and delivery of the review stage of the procedure.
- 1.11 **Investigators** are senior staff members responsible for the conduct of investigations and the coordination of all aspects of the response to Formal Complainants.
- 1.12 **Heads of Department** are responsible for ensuring staff employed in their area of responsibility are making reasonable attempts at resolving concerns initially raised with them, and are co-operating with the Early Resolution, Formal Complaint, Review and External Review proceedings.
- 1.13 **The KOL Director of Quality and Compliance** is responsible for ensuring that there are effective complaints handling procedures, with robust investigation processes which demonstrate that organisational learning is in place. The KOL Director of Quality and Compliance also ensures that concerns and complaints are used to identify improvements to services and also deals with any unacceptable behaviour by complainants.

Confidentiality

- 1.13 Complainants may expect concerns and complaints to be dealt with confidentially and that their privacy will be respected. However, any person who is the subject of a concern or a complaint will be advised, and an appropriately redacted copy of the concern or complaint and any associated evidence will normally be copied to them, in order that they are given the opportunity to respond. It may also be necessary to disclose information to

others in order to deal with the concern or complaint and, in these circumstances, the parties concerned will be informed of such a disclosure. An appropriately redacted copy of the investigator's report may be provided to the person who is the subject of a concern or complaint.

- 1.14 Where a concern or complaint has been raised against a member of staff and has been upheld, the student will be advised of this. However, specific details affecting individual staff members will not normally be shared, particularly where disciplinary action is subsequently taken

2. Managing unacceptable behaviour during the complaint process

- 2.1 All individuals involved in a complaint are expected to act reasonably and fairly towards each other, treat the process itself with respect and not abuse it. It is recognised that people may act out of character in times of trouble or distress, however, we also recognise our duty to ensure the safety and welfare of our staff and students. Consequently, we have a zero tolerance towards complainants whose behaviour is deemed to be unacceptable and action will be taken to protect staff. The term 'complainant' also includes anyone appointed as a third party to act on the complainant's behalf or anyone who contacts us in connection with a complaint.
- 2.2 Our definition of 'unacceptable behaviour' might include, but is not necessarily restricted to, cases in which there is clear evidence that the complainant has behaved in one or more of the following inappropriate ways or the complaint itself is considered to be frivolous, vexatious or motivated by malice:
- Complaints which are obsessive, harassing or repetitive
 - Communicating with us in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner
 - Submitting a complaint containing materially inaccurate or false information or evidence
 - Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes

- Insistence on pursuing meritorious complaints in an unreasonable manner, including not pursuing them through this complaints procedure when directed to do so.
 - Complaints which are designed to cause disruption or annoyance
 - Demands for redress which lack any serious purpose or value
- 2.3 When a complainant's behaviour, or the complaint itself, is considered to be unacceptable, as a first step, we will usually tell the complainant why their behaviour or complaint is considered to be unacceptable and will ask them to desist. If the unacceptable behaviour continues, we will take action to restrict contact with us.
- 2.4 Any decision to restrict a student's access will be communicated to the student in writing by the KOL Director of Quality and Compliance (or nominee) and will be appropriate and proportionate. The options that we are most likely to consider are:
- Requesting contact in a particular form
 - Requiring contact to take place with a named officer of the Kaplan Open Learning
 - Restricting telephone calls or emails to specified days and times
 - Asking the complainant to appoint a representative to correspond with us
 - Asking the complainant to enter into an agreement about their conduct
- 2.5 Should the complainant not agree with the restriction, they should contest the decision in writing to the KOL Director of Quality and Compliance within ten working days of its communication. The Director of Quality and Compliance (or nominee) will consider the student's representations and, where the restriction is considered unavoidable and reasonable, the KOL Director of Quality and Compliance (or nominee) will confirm the terms of the restricted access to the student in writing.
- 2.6 In instances where a complaint is considered to be frivolous and/or vexatious, or where a complainant continues to behave in a way that is considered to be unacceptable, the KOL Director of Quality and Compliance (or nominee) may decide whether to refer the student under the appropriate Student Conduct

and Disciplinary procedures. In exceptional circumstances, this may mean that consideration of the complaint is also terminated.

- 2.7 Should the complainant wish to appeal a decision to terminate contact or to dismiss a complaint, they should contest the decision in writing to the KOL Director of Quality and Compliance within ten working days of its communication. The KOL Director of Quality and Compliance (or nominee) will consider the student's representations and, where the restriction is considered reasonable, the KOL Director of Quality and Compliance (or nominee) will confirm the dismissal and issue the student with a Completion of Procedures letter within 28 days. Where the restriction is considered unreasonable the KOL Director of Quality and Compliance (or nominee) may amend or rescind the restrictions.

Where a complainant submits multiple complaints on substantially the same issue, we reserve the right to treat the matter as a single complaint and to decline to respond to each separate subsequent complaint.

3. Eligibility

3.1 This procedure is available to

- I. Students registered on an online programme of study at the University of Liverpool wishing to raise a concern or complaint regarding an issue by which they have been materially affected. The term 'student' includes those registered to study on an online programme with the University of Liverpool or registered for its awards.
- II. Individuals who have previously been registered on an online programme of study at the University of Liverpool provided that the concern or complaint is raised normally no later than three months after the date on which the individual withdrew from the programme, or normally not more than three months after the date on which the student received an award of the University (whichever is later).

The KOL Director of Quality or Compliance (or nominee) has discretion to extend this three-month period where they consider that there are compelling reasons to do so.

- 3.2 Some issues may be more appropriately considered under processes other than this procedure. As such, this procedure will not normally cover:
- Appeals relating to the decision of a Board of Examiners – please refer to the [University of Liverpool Assessment Appeals Procedure for Undergraduate and Taught Postgraduate Programmes](#)
 - Complaints involving an allegation that a student has failed to meet their academic commitments – please refer to the [University of Liverpool Assessment Appeals Procedure for Undergraduate and Taught Postgraduate Programmes](#)
 - A concern about a decision made under other specific regulations such as Fitness to Study – please refer to the Fitness to Study procedure
 - Complaints regarding an admissions or readmission decision – please refer to the [University of Liverpool Admissions Appeals and Complaints Procedure for Applicants](#)
 - Complaints regarding the behaviour of another student, which should be submitted in accordance with the Procedures Relating to Conduct and Discipline
- 3.3 Students who are affected by a policy outcome but do not have the right to appeal may submit their concern or complaint through this procedure.

Concerns and Complaints by third parties

- 3.4 Concerns and complaints submitted via a third party will not normally be accepted. However, it is recognised that some individuals may be unable to raise a concern or make a complaint on their own. In these circumstances, concerns or complaints brought by permitted third parties (for example, family

member) will only be accepted when the individual affected has completed the third-party authority section of the Complaint Form and the KOL Director of Quality and Compliance has approved the request.

Collective concerns and complaints

- 3.5. Where the issues raised affect a number of students, those students can submit a concern or complaint as a 'group concern/complaint'. In such circumstances, in order to manage the progression of the concern or complaint we will usually ask the group to nominate one student to act as a group representative. We will deal with the nominated representative only and will expect them to liaise with the other students. On completion of all internal procedures each member of the group would receive a Completions of Procedures letter.

Anonymous concerns and complaints

- 3.6. Concerns and complaints received anonymously will not usually be accepted, except where there are compelling reasons, supported by evidence, for the matter to be investigated.

Reclassification and suspension of proceedings

- 3.7. Where it is deemed that elements of the complaint raised should be handled under another of our procedures, then the student will be notified, and consideration of the complaint will be postponed until the other proceedings have resolved.
- 3.8. The procedure will usually be suspended where the complainant refers it to a court, tribunal or other external organisation until the outcome of the external process is known.

4. The Complaints Procedure: Early Resolution

- 4.1. It is important to remember that many concerns raised by students can be resolved at the point of notification, often through offering an apology and

taking immediate corrective action. Where an immediate resolution is not possible, for example when a more detailed investigation is needed, or when the action needed to resolve the complaint needs additional approval, a student may wish to use the Formal stage of the procedure. The purpose of the Early Resolution stage is to attempt to resolve concerns and complaints as quickly as possible.

- 4.2. Students' who experience a problem with their course or any other service, should usually raise this with a relevant member of our staff involved with the service or matter, providing relevant details of the complaint and any remedy being sought. This would usually be the Student Support Team.
- 4.3. Complaints submitted for early resolution should normally be raised within one month after the event complained about unless there is good reason for the delay.
- 4.4. The student should contact the Head of Student Support if they are uncomfortable about approaching their Student Support Team.
- 4.5. The student should escalate their complaint to the Formal stage of the Complaints Procedure if they have not previously received a satisfactory response.

Resolving the Concern at the Early Resolution Stage

- 4.6. Concerns considered at the Early Resolution stage should usually be completed within 10 working days. Resolution may be achieved by providing an on-the-spot explanation of why the issue occurred and/or an apology and, where possible, what will be done to prevent this from happening in the future. It is important to remember that complaints may not always produce the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond our control may affect the level of service provided.
- 4.7. If it is not possible to respond within 10 working days, the student shall be informed of the timescale for a response.

4.8 It is envisaged that early resolution is for low level concerns that would not require an investigation. If a concern/complaint requires an investigation it should be escalated to the formal stage.

5. The Complaints Procedure: Formal Complaint

- 5.1. Where it has not been possible to resolve the matter at the early resolution stage, the complainant may initiate a Formal Complaint by completing an [Online Student Complaint Form](#) which should be submitted to appealsandcomplaints@study-online.liverpool.ac.uk
- 5.2 A Formal Complaint should normally be raised after attempts at early resolution have been completed, and no later than one month after the events complained about OR 1 month after the attempts at Early Resolution have concluded (whichever is later) unless there is good reason for the delay.
- 5.3. The KOL Director of Quality and Compliance (or nominee) has absolute discretion to extend this deadline, providing that the complainant is able to demonstrate to the satisfaction of the KOL Director of Quality and Compliance (or nominee) that circumstances beyond their control prevented the standard time frame being adhered to.
- 5.4 Students are required to set out their complaint clearly and succinctly and to provide evidence to substantiate the issues raised where it is reasonable to expect them to have gathered and provided it. However, complaints will not be rejected solely on the grounds of minor procedural deficiencies on the part of the student.
- 5.5. Complainants should take care to raise all matters of complaint and put forward all supporting evidence as they will not be able to raise new matters or provide any additional in later stages of the Online Student Complaint Procedure unless they can show good reason why the new evidence/information was not available to them to put forward as part of the Formal Complaint.

- 5.6 Complainants are encouraged to consider resolutions and are able to suggest an appropriate resolution. If at any time the complainant's expectations appear to be beyond what the University/Kaplan Open Learning can reasonably provide or are not within the University/Kaplan Open Learning's power to provide, they will be advised of this as soon as possible in writing.

The Formal Complaint Form should be completed, setting out clearly the nature and origin of the complaint detailing what steps have been taken to resolve it at the early resolution stage, explaining why the outcome of the early resolution procedure is not considered appropriate or satisfactory.

Where a complaint is submitted without the pro-forma being completed or not completed in full, we reserve the right not to consider the complaint until the pro-forma has been properly completed and submitted.

6. What we will do when we receive a Formal Complaint

- 6.1 Formal Complaints will normally be handled by the KOL Appeals and Complaints team. In the event that the concerns raised in the complaint relate exclusively to the University of Liverpool then the KOL Appeals and Complaints Team may refer the complaint directly to the University of Liverpool [Student Complaints Policy and Procedure](#)
- 6.2 The KOL Appeals and Complaints team will acknowledge the complaint within five working days of receipt and shall include the deadline by which the student should expect to receive a written response to their complaint.
- 6.3 The KOL Director of Quality and Compliance (or their nominee) will appoint a member of staff to investigate the complaint on their behalf ('the investigator') and shall submit a written response to the student usually within 5 weeks (35 calendar days). The 35-calendar day timeframe requires students to meet any deadlines for submission of material. There will occasionally be circumstances when, for good reason, we will need to extend the timeframe. Where this is the case, we will notify the student and keep them

regularly informed of progress. While every effort will be made to comply with the time limits set out above if a time limit is exceeded it shall not invalidate the outcome of the complaint proceedings.

- 6.4 Where a Formal Complaint has been received, the KOL Appeals and Complaints team will inform the relevant Head of Department/Programme Director and thereafter keep them informed of progress.

Investigating a Formal Complaint

- 6.5 Eligible complaints will be forwarded to the investigator who will be independent of the source of the complaint, and who has not been involved in the Early Resolution stage. The purpose of conducting an investigation is to establish all of the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response to the complainant. A list of Complaints Investigators will be kept centrally by the Quality and Enhancement team.
- 6.6 Within five working days, the appointed investigator will write to the complainant, clarifying how the complaint will be investigated. The Complaints Investigator will usually consult the relevant Head of Department/Programme Director or their nominee and also seek to gather information as necessary from anyone else likely to be helpful in resolving the matter, including the complainant and the subject(s) of the complaint. Information may be sought in writing, via oral interview or both.
- 6.7. The Investigator will usually contact complainants and staff members directly to invite them to attend investigative meetings which, due to the online nature of the provision will usually be via Zoom or Microsoft Teams. It is important that meetings take place quickly and at a mutually convenient time and location. The complainant has the right to decline or to request a discussion by telephone. Investigative meetings are designed to clearly establish facts, not to apportion blame and they are not disciplinary interviews. In any meeting involving the complainant or a member of staff, they have the right to be accompanied by a student, an employee of the Kaplan Open Learning or the University of Liverpool, or a trade Union representative.

- 6.8 The Investigator will be responsible for keeping records of their investigation. During discussions and meetings, a note of the main points of the discussion will be taken and shared with interviewees after each meeting. Any factual inaccuracies should be highlighted immediately.
- 6.9 If, at any time the complainant's expectations appear to be beyond what we can reasonably provide or are not within our power to provide, they will be advised of this as soon as possible in writing.

Resolving a Formal Complaint

- 6.10 Where both Kaplan Open Learning and the student agree to mediation or conciliation, revised timescales will be agreed between the parties and confirmed in writing.
- 6.11 The Investigator will provide a written report at the end of the investigation, setting out clearly the process followed, the information gathered, the conclusions drawn and any recommendations. The report will form the basis of the outcome letter.
- 6.12 If the complaint is upheld, the reasons for this decision, any action taken or to be taken and any recommendations to be considered must be stated clearly in the report and the outcome letter.
- 6.13 If the complaint is not upheld, the reasons for this decision must be stated clearly in the report and in the outcome letter.
- 6.14 The outcome and recommendations will also be shared with relevant Heads of Department/Programme Director(s).
- 6.15 Where a complaint is upheld or partially upheld, the outcome of the letter will also detail how and when Kaplan Open Learning will implement the outcome. It is important to remember that complaints may not always produce the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that

circumstances beyond Kaplan Open Learning's control may affect the level of service provided.

Kaplan Open Learning will consider that the complainant has accepted the outcome of the formal complaint unless they escalate the complaint to the Review Stage.

7. The Complaints Procedure: Complaints about Members of Staff

- 7.1 A student's complaint may be in relation to the actions of a member of staff that the student is dissatisfied with. As with all complaints, it is important that students have the opportunity to raise concerns without risk of disadvantage or recrimination, whilst members of staff should have the opportunity to respond to the concerns raised
- 7.2 Students may raise Formal Complaint where attempts at informal resolution have not been successful. Upon receipt of a Formal Complaint, if the nature and content of the complaint suggests that the member of staff should be investigated in accordance with the staff Disciplinary Policy and Procedure, the Quality and Enhancement team will seek guidance from the Human Resources Department. Based on those discussions:
- If the decision is taken that the staff member should be investigated in accordance with the staff Disciplinary Policy and Procedure, the Appeal and Complaints team will notify the student that the Formal Complaint will be suspended until the staff Disciplinary Procedures have been completed.
 - If the nature and content of the complaint does not give reason to initiate the staff Disciplinary Policy and Procedure, or that the Disciplinary Policy and Procedure have previously been completed in relation to the complaint The Formal Complaint will proceed as outlined in this Procedure.
- 7.3 A Complaint Investigator will not have the authority to directly enact or overturn a decision previously taken under the staff Disciplinary Policy and

Procedure but will be able to take into account the findings of the Disciplinary Procedures and consider this as part of their investigation.

- 7.4 If the Disciplinary Policy and Procedure is initiated, the student will be notified when the Disciplinary Policy and Procedure has been completed.
- 7.5 Should a Formal Complaint investigation establish any new evidence or information that may relate to staff conduct that has not previously been considered, then the Complaints Investigator should notify Human Resources immediately and the Formal Complaint will be suspended until it is confirmed that any disciplinary action has been dealt with.
- 7.6 If a complaint about a member of staff is upheld or partially upheld it might be recommended that Kaplan Open Learning considers whether any disciplinary action needs to be taken against the staff member. In these cases, the staff member's line manager and Human Resources will also receive a copy of the report for their joint consideration. Kaplan Open Learning will only disclose information about the disciplinary procedure that is directly related to them.

8. The Complaints Review: Review Stage

- 8.1 If the student is dissatisfied with the outcome at the Formal Complaint, they are entitled to submit a further complaint under the Review Stage of this procedure, provided the request is made within 10 calendar days after the formal response has been received and they meet the criteria to request a review.
- 8.2 The University of Liverpool will not usually conduct a review of a decision taken under the Formal Stage if it is not submitted within the correct timeframe. Any case for consideration of a review of the Formal Stage after those deadlines have passed must be made in writing to the Director of Student Experience and Enhancement and shall include the reason for the delay in submission together with documentary evidence in support of that reason.
- 8.3 The grounds under which a Review can be requested are:
 1. There was a procedural irregularity in the investigation, which was material or potentially material to the decision reached;

2. The decision was unreasonable (the complainant must identify which aspects of the decision were unreasonable and explain why);
 3. There is new evidence available, which materially impacts the outcome and which, for valid reasons, could not have been submitted at an earlier stage.
- 8.4 To request a review of the outcome of a formal complaint, students should complete the [Review Pro-forma](#) and submit to the Director of Student Experience and Enhancement (Paul.Redmond@liverpool.ac.uk):
- The completed proforma
 - The grounds under which a review is being requested
 - The nature of the complaint
 - All correspondence received by or provided by the student under either the Early Resolution and/or Formal Complaint, including any written responses to the complaint from Kaplan Open Learning
 - A statement as to why the complainant remains dissatisfied with the outcome
 - And, without prejudice to any formal remedy which might be determined, the remedy the complainant is seeking.

On receipt of a request for review the complaint will be considered under the Complaints Procedure - Review Stage (Section 8) of the University of Liverpool [Student Complaints Policy and Procedure](#)

9. External Review

- 9.1 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review student complaints. If you are dissatisfied with the outcome of your complaint, you may be able to ask the OIA to review your complaint. You can find out more about how to make a complaint to the OIA, what it can and can't look at, and what it can do to put things right [here](#).

You normally need to have completed the Formal Complaint and Review procedures set out above and received a Completion of Procedures letter before you can complain to the OIA.

- 9.2 Complainants will be issued with a Completion of Procedures letter when the University has completed a Review of a Formal Complaint and reached a final decision.
- 9.4 Where complaints are upheld and academic resolution lies with a University of Liverpool Board of Examiners, any dissatisfaction with the final decision of the Board of Examiners would be an issue for an assessment appeal rather than further complaint.
- 9.5 All applications to the OIA must be made within 12 months of the date of the outcome letter issued to the complainant.
- 9.6 The OIA's Scheme Rules and guidelines are available on its website www.oiahe.org.uk

Responsible Manager	Title
Carol Dadd	Director of Quality and Compliance
Megan Hofmann	Head of Quality
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Related Policies and Procedures	University of Liverpool Student Complaints Policy and Procedure University of Liverpool Admissions Appeals and Complaints Procedure for Applicants

