

Student Complaints Procedure: Warwick Provision

1. Introduction

- 1.1. This procedure aims to ensure that concerns and complaints raised by students of the London Film School are addressed promptly and effectively.
- 1.2. Further, this procedure aims to ensure that complaints against the London Film School made by students are treated seriously and fairly in order to ensure students' interests are protected and the London Film School's high-quality standards maintained.
- 1.3. The School endeavours to minimise complaints by involving students in formal decision-making processes at all levels and by encouraging them to provide regular feedback in course committee meetings and surveys.
- 1.4. No student making a complaint under these Procedures, whether successfully or otherwise, shall be treated less favourably than would have been the case had a complaint not been made. However, if it is later discovered that a complaint was not genuine, The London Film School or the partner university may consider initiating a disciplinary procedure.
- 1.5. The Academic Registrar has overall responsibility for Student Complaint Procedures.

2. Guiding Principles

- 2.1. The London Film School seeks to ensure that all complaints shall be:
 - a) Treated seriously and fairly;
 - b) Resolved promptly;
 - c) Treated consistently;
 - d) Dealt with and resolved wherever possible, at the informal stage;
 - e) Dealt with without prejudice or bias.
- 2.2. It is the intention of the procedure that complaints are resolved as quickly and at as early a stage as possible.
- 2.3. Details of the complaint shall remain confidential to the parties concerned.
- 2.4. All parties concerned shall be entitled to see all evidence to be considered and to put their case.
- 2.5. Anonymous complaints or evidence will not be considered.
- 2.6. If there are allegations of a criminal offence, the University may refer the matter to the police and suspend its own proceedings until the outcome of any criminal proceedings are known.

3. Scope

- 3.1. This procedure is available to current students of the London Film School who are enrolled on one of the following programmes:
- MA Filmmaking;
 - MA Screenwriting;
- 3.2. This procedure is also available to former students of the programmes listed in paragraph 3.1 who are within one term of ceasing their enrolment.
- 3.3. The procedure is available for students to raise concerns about their experience at the London Film School only (e.g. an academic department, student services, supervision, or teaching).
- 3.4. Students on the MA International Film Business or PhD Film Practice who have concerns about their experience at the London Film School should refer to the separate Complaints Procedure available on the LFS website.
- 3.5. Students on the MA International Film Business or PhD Film Practice who have concerns about the University of Exeter and/or the programmes as a whole should refer to the University's regulations available at:
- <http://www.exeter.ac.uk/staff/policies/calendar/part1/otherregs/complaints/>
- 3.6. This procedure may not be used for academic appeals which are dealt with under the Academic Appeals Policy and Procedure.

4. General Stipulations

- 4.1. Delays in raising a concern may make resolving the problem difficult or even impossible. Complaints will not normally be dealt with more than one month after the incident(s) that caused the complaint, unless there is good reason for the delay.
- 4.2. Students may ask a friend or family member to be present at any formal meetings.
- 4.3. Legal representation at panel hearings is not permitted, and communications from legal representatives shall normally not be responded to.
- 4.4. If a student brings legal proceedings against the School which may be relevant to the student's complaint, the School will normally suspend consideration of the complaint until the outcome of those proceedings is known. If the matters complained about are disposed of in those proceedings, then the School may terminate consideration of that complaint through its formal complaints procedure.
- 4.5. Students will be responsible for paying any personal costs or incidental expenses associated with the formal complaints procedure. The School will not reimburse any of them.
- 4.6. The Academic Registrar is responsible for interpreting these procedures and his/her decision shall be final except in cases where the interpretation involves a complaint against the Academic Registrar in which case interpretation of the procedures shall be the responsibility of the Director.

5. Three-Stage Complaints Procedure

5.1. Stage 1: Informal Stage

- 5.2. Before making a formal complaint, students are encouraged to raise their concerns with the person most directly responsible. This is usually the quickest and easiest way of resolving matters.
- 5.3. Students may also ask an appropriate member of staff (e.g. term tutor or Head of Department) or a member of the Students' Union to deal with the matter.
- 5.4. Where proportionate, students shall be provided with a written outcome.
- 5.5. Students who are not satisfied with the response should submit a complaint under this procedure.

5.6. Stage 2: Formal Stage

- 5.6.1. The formal stage is used where students are dissatisfied with the outcome of the Informal Stage or where it is not possible or suitable to resolve the matter at the Informal Stage (e.g. due to the character, complexity or seriousness of the case).
- 5.6.2. Students who wish to make a formal complaint shall:
- a) Make their complaint in writing, using the appropriate form;
 - b) State the issues about which they wish to complain and what outcomes they are seeking;
 - c) State what steps they have taken to resolve the issue before making a complaint;
 - d) Include all relevant evidence that they wish to rely upon;
 - e) Submit their complaint within one month of the act or omission complained of (complaints received after this deadline will be deemed invalid unless the complainant has demonstrated good reason for any period of delay);
 - f) Submit their complaint to the Academic Registrar via email at academicregistrar@lfs.org.uk.
- 5.6.3. The Academic Registrar will send an acknowledgement of receipt to the student within five working days and ask the complainant to confirm that they have submitted all relevant evidence. If this is not received, the student should contact Academic Registry immediately.
- 5.6.4. The Academic Registrar shall advise, in writing and within five working days, any member(s) of staff or students involved that a complaint has been received.
- 5.6.5. The Academic Registrar shall consider the evidence, written or otherwise, and, if necessary, hold additional conversations with the complainant and any other persons they deem appropriate in order to fully investigate the complaint.
- 5.6.6. The complainant is required to participate with the investigation process in a timely and cooperative manner and comply with any reasonable requests for additional information/requests for meetings made by the Academic Registrar.
- 5.6.7. The Academic Registrar shall, within ten working days, decide whether:

- a) The complaint is justified; or
 - b) There is no reasonable justification for the complaint.
- 5.6.8. The Academic Registrar shall make their decision known in writing to the student and any other persons involved. The written report shall set out the initial findings in relation to each issue raised together with a summary of the evidence supporting each finding.
- 5.6.9. Where required, the Academic Registrar shall make recommendations as to how the complaint may be resolved. All parties are shall be invited to accept the recommendations.
- 5.6.10. If the recommendations and an appropriate timeframe are agreed, the Academic Registrar shall ensure that the recommendations are implemented in full and within the agreed timeframe.
- 5.7. Stage 3: Appeals**
- 5.7.1. If the student is not satisfied with the decision at the conclusion of the Formal Stage or if the recommendations made at this stage are not implemented, they may, depending on the nature of their complaint, appeal to the Director of the London Film School or the University of Warwick.
- 5.7.2. In line with the guidance issued by the Office of the Independent Adjudicator, the decision whether stage 3 will be dealt with by the University or the School will be based on the principles outlined in Annex A of this document.
- 5.7.3. Students whose appeal will be dealt with by the University under the principles in Annex A can find details about the procedure on the University Website: http://www2.warwick.ac.uk/services/aro/studentfeedbackandcomplaints/student_complaints/
- 5.7.4. Students whose appeal will be dealt with by the School under the principles in Annex A can find details about the procedure below.
- 5.7.5. Appeals may normally be made on the grounds that:
- a) The decision maker has misapplied a procedure, policy or regulation;
 - b) There was a serious procedural error (whether of this procedure or of the requirements of natural justice) or other irregularity when the complaint was investigated and the decision(s) reached that makes the decision unfair;
 - c) The decision(s) is not supported by the evidence;
 - d) No reasons for the decision were given.
- 5.7.6. The student shall submit the appeal in writing within 10 working days of receiving the outcome of the Formal Stage.
- 5.7.7. The Director will send an acknowledgement of receipt to the student within five working days. If this is not received, the student should contact the Director's Office immediately.
- 5.7.8. The Director shall advise, in writing and within five working days, any member(s) of staff or students involved that an appeal has been received.
- 5.7.9. The Director shall, within ten working days, decide whether to:

- a) Uphold the appeal on the basis that one or more grounds for an appeal have been met (see section 5.7.5) and convene a Student Complaint Panel;
- b) Dismiss the appeal on the basis the none of the ground for an appeal have been met (see section 5.7.5);
- c) Enforce the implementation of the recommendations made at the end of the Formal Stage;

5.7.10. The Director's decision shall be communicated to the complainant in writing.

5.8. **Student Complaint Panels**

5.8.1. The membership of a Student Complaint Panel shall be:

- a) Director (Chair);
- b) A member of the Board of Governors;
- c) A member of Academic Board who has had no involvement in the case;
- d) A representative from the Students' Union.

5.8.2. A Student Complaints Panel shall hear the complaint within ten working days of receipt.

5.8.3. The Chair of the Panel shall submit, within ten working days of the last Panel meeting a written report to the Board of Governors.

5.8.4. The decision of the Panel shall be by majority vote and shall be final. If necessary, the Chair shall have a casting vote.

5.8.5. The Chair of the Panel shall seek to ensure that any actions arising from the decision of the Panel are taken within the timescale identified in the report and shall report any failure to complete actions to the Board of Governors.

5.9. **Student Complaint Panels: Procedure**

5.9.1. Hearings shall take place at the London Film School at dates and times notified in writing to the student, members of staff and other students concerned at least five working days before the hearing.

5.9.2. The student shall have the right to:

- a) Have a friend or family member present at the hearing, but they shall not be a legal representative (see section 4.2 of the policy);
- b) Be present when all evidence is given orally at the hearing.

5.9.3. The student shall at least three days before the hearing:

- a) Inform the Chair whether a friend will be present at the hearing and, if so, the name and status of the friend;
- b) Provide a list of witnesses, if any, they will be calling to give evidence on their behalf, indicating the nature of the evidence they are expected to give.

- c) Provide any evidence they wish the panel to take into consideration.
- 5.9.4. Members of staff involved in the complaint shall have the right to:
- a) Have a friend, family member or colleague present at the hearing, but they shall not be a legal representative (see section 4.2 of the policy);
 - b) Be present when all evidence is given orally at the hearing.
- 5.9.5. Members of staff involved in the complaint shall at least three days before the hearing:
- a) Inform the Chair whether a friend will be present at the hearing and, if so, the name and status of the friend;
 - b) Provide a list of witnesses, if any, they will be calling to give evidence on their behalf, indicating the nature of the evidence they are expected to give.
 - c) Provide any evidence they wish the panel to take into consideration.
- 5.9.6. The Director shall distribute lists of witnesses, any evidence submitted and other relevant documentation to all parties involved at least two working days before the panel.
- 5.9.7. The Chair of the Panel may decide to give time to examine the documents by adjourning or delaying the meeting of the Panel for a period of up to five working days.
- 5.9.8. Student and staff members involved directly in the complaint and persons accompanying them shall be permitted to question any persons giving evidence to the meeting and to directly address the Student Complaint Panel.
- 5.9.9. The decision of the Chair on matters of procedure shall be final.
- 5.9.10. Where the student is not present at the time set for the hearing, the Panel shall wait for fifteen minutes and then proceed in the student's absence unless there are reasonable grounds to suggest that the failure to attend is outside the student's control and that, in the interest of fairness, the hearing should be adjourned to a later date.
- 5.9.11. The Chair of the Student Complaint Panel shall open the hearing by reviewing the documentation sent to members under section 5.9.4 above, and shall seek from the student such clarification of the grounds for the complaint as may be thought necessary.
- 5.9.12. New evidence not notified in advance to the student or the Panel may only be introduced at the discretion of the Panel. Where the Panel is of the opinion that relevant evidence has not been presented but could be presented if the hearing was adjourned, it may adjourn the hearing for such evidence to be made available at a resumed hearing. The Panel should only adjourn a hearing if they are of the opinion that any further evidence which is likely to become available would have a significant impact on the outcome of the hearing.
- 5.9.13. The Panel shall meet in private to consider its decision, and attendance and participation of persons other than Panel members shall at all times be at the discretion of and under the guidance of the Chair.
- 5.9.14. The Panel shall in its absolute discretion either dismiss the appeal, or uphold the appeal.

- 5.9.15. The Panel shall establish the exact nature of the complaint, establish the facts as far as it is possible to do so, consider the facts, determine its decision and report its decision in writing within five working days to all parties involved and the Board of Governors.
- 5.10. **Review by the Office of the Independent Adjudicator**
- 5.10.1. Students who have exhausted the internal complaint procedures of The London Film School will receive a Completion of Procedures Letter by the School.
- 5.10.2. Students who are not satisfied with the School's final decision can ask the Office of the Independent Adjudicator (OIA) to review their case. Please note that the OIA must receive a student's signed OIA Complaint Form in this Office within 12 months of the date of the Completion of Procedures Letter; otherwise they will consider their complaint to be out of time. More information about the OIA and its procedures can be found here: <http://oiahe.org.uk>

6. Version Control

Version Number	Changes	Author, Title	Date
0.1	-	Philip Ramge, Academic Registrar	05/03/2015
0.2	Comments of Academic Board, Spring 2015 added	Philip Ramge, Academic Registrar	20/03/2015
1.0	Approved by Academic Board	Philip Ramge, Academic Registrar	20/03/2015
1.1	Comments from London Metropolitan University added (removal of one informal stage; update of informal stage; review of Appeal Stage;	Philip Ramge, Academic Registrar	21/04/2015
2.0	Update after joining the OIA and in preparation of the new provision validated by the University of Warwick	Philip Ramge, Academic Registrar	22/09/2015
2.0	Approved by Academic Board	Philip Ramge, Academic Registrar	01/12/2015
2.1	Minor edits: clarification of provision in title of policy; update to section 1.4 to include LFS <i>and</i> partner university	Philip Ramge, Academic Registrar	14/09/2016
2.2	Amendments to enhance clarity pertaining to the scope of the procedure; references to separate complaints procedure for Exeter provision added	Philip Ramge, Academic Registrar	26/10/2018
2.2	Approved by Academic Board	-	13/11/2018

Appendix A: OIA Principles in Relation to Complaints by Students on Validated Courses

This guidance has been issued by the Office of the Independent Adjudicator and can be found on their website (Question 16)¹. It outlines the principles applied by the OIA when both the University and alternative provider are members of the OIA. The same principles are applied at Stage 3 of the Student Complaints Procedure to determine whether the appeal should be handled by the University or the London Film School.

- (1) If the complaint is about service quality issues at the delivery provider (for example, pastoral provision, poor facilities), the delivery provider should consider the complaint and issue a Completion of Procedures letter. The student can then complain to the OIA about what the delivery provider has done.
- (2) If the complaint is about teaching standards or other matters which the awarding provider has responsibility for under its agreement with the delivery provider, the awarding provider may wish to have some involvement in the complaint. This is because the awarding provider is likely to have some responsibility for academic standards. However, we would not expect any involvement of the awarding provider to delay the progress of the student's complaint.
- (3) If a student makes an academic appeal, the awarding provider will normally be responsible for the final stage of the appeal. The awarding provider should issue a Completion of Procedures letter when it reaches a final decision on the appeal. The student can then complain to the OIA about the awarding provider's final decision or about how it dealt with the appeal.
- (4) A student may also wish to make a complaint about the way the delivery provider handled their academic appeal, as opposed to the outcome of the appeal. For example, the delivery provider may have delayed its consideration of the appeal so that a student has missed an opportunity to progress. Normally we would expect the student to make a complaint to the delivery provider about its handling of the appeal, and the delivery provider to issue a Completion of Procedures letter when it has considered that complaint.
- (5) If the student has complaints about the awarding provider and the delivery provider arising from the same process, we will treat the complaint about the awarding provider and the complaint about the delivery provider as separate complaints, although we may link our reviews together; this is important because there may be overlap in the complaints i.e. in considering an academic appeal, the awarding provider may have considered the way that the delivery provider handled the academic appeal.

¹ <http://www.oiahe.org.uk/providers-joining-the-scheme-on-1-september-2015/frequently-asked-questions.aspx#6>