

# Complaints Policy

2019-21



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<b>Policyholder:</b>	Head of Registry
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## Introduction

### 1. Definition of complaint

- 1.1. For the purpose of this procedure, a complaint is an expression of dissatisfaction by one or more complainants about the conservatoire's action or lack of action, or about the standard of service provided by or on behalf of the conservatoire.
- 1.2. Complaints can be made using this procedure for:
  - Concerns about the information provided by the conservatoire
  - Concerns about the delivery of a programme
  - Concerns about the administration of a programme
  - Concerns about the standard of, or access to, facilities or services provided by the conservatoire
  - Concerns about the conduct of a member of staff
  - Concerns about the implementation of the conservatoire's Student Protection Plan.
- 1.3. Complaints cannot be made using this procedure for:
  - Concerns about the decision made by an academic body regarding student assessment, progression or award
  - Concerns about the Student Loan Company, which has its own procedures

### 2. Who may complain

- 2.1. Complaints can be made by:
  - Registered students of the conservatoire
  - Students who have graduated/completed their course
  - Students who have withdrawn/been withdrawn from their course
  - Students who have suspended their studies temporarily
  - Third parties
- 2.2. Complaints must be made within 3 months of the date on which the event complained about occurred, or on which the complainant could reasonably be expected to have known about the matter.

### 3. Customer Feedback Procedure

- 3.1. The Customer Feedback Procedure is a mechanism for applicants, current and previous students, and visitors to the conservatoire to provide feedback on the service provided by Leeds College of Music.
- 3.2. If an individual does not wish to make a complaint but wishes to provide a comment about the service provided by the conservatoire or has an idea for an improvement to this service, they can do so via the Customer Feedback Procedure and by emailing [feedback@lcm.ac.uk](mailto:feedback@lcm.ac.uk).

### 4. Complaints relating to staff conduct

- 4.1. Complaints relating to staff conduct can be made using this procedure. However, should a complaint relating to staff conduct escalate to Stage 2 of this procedure, the complaint will be investigated under the Disciplinary Policy and Procedure (Staff).
- 4.2. All Stage 1 complaints and outcomes relating to staff conduct will be reported to the Organisational Development and Human Resources department (HR). HR may still decide to take further action under the Disciplinary Policy and Procedure (Staff) in the absence of escalation to Stage 2 of the Complaints Policy by the complainant. The complainant may therefore be invited to meet with the relevant investigator under the Disciplinary Policy and Procedure (Staff) where appropriate.
- 4.3. Where a complaint relates to concerns in addition to staff conduct, these concerns will be investigated and dealt with separately under the relevant procedures. This will be made clear to the complainant.
- 4.4. Specific details of the outcome of staff disciplinary investigations cannot always be shared with complainants. There may be a number of outcomes, including recommended training and disciplinary sanctions that would not be appropriate to share with the complainant. However, complainants will be informed that their complaint has been dealt with in accordance with conservatoire procedures at the conclusion of the investigation.

## **5. Complaints relating to student conduct**

- 5.1. Complaints relating to student conduct cannot be made using this procedure. They should instead be made using the Student Conduct and Disciplinary Policy.

## **6. Complaints relating to harassment and bullying**

- 6.1. The conservatoire is committed to creating a learning environment free from harassment, bullying and discrimination in which all students are treated with dignity and respect. This right is enshrined in the Student Charter and supported by the conservatoire's commitment to the elimination of discrimination on the grounds of:
  - Age;
  - Disability (physical or mental);
  - Gender;
  - Gender reassignment;
  - Race (including ethnic and national origins, colour and nationality);
  - Religion or belief (including lack of belief);
  - Sex (including sexual harassment);
  - Sexual orientation.
- 6.2. Harassment related to the above characteristics is unlawful under the Equality Act 2010. Protection from harassment is also provided by the Protection from Harassment Act 1997.
- 6.3. Harassment and bullying can take a variety of different forms, ranging from repeatedly ignoring someone or subjecting them to unwanted attention, to intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Behaviour that may appear trivial as a single incident may constitute harassment or bullying when repeated, or in the context of a staff/student relationship.

Definitions and examples of harassment and bullying can be found in Appendix 3 of this policy.

- 6.4. It is important to note that behaviour may still be harassment even if that was not the intention. What matters is how the recipient perceives the behaviour.
- 6.5. Within the context of a conservatoire education, it should also be noted that the nature of one to one lessons can lead to them feeling more personal than other types of lessons, for both the staff member and the student. This can increase the potential for the innocent actions of a member of staff to be misconstrued by a student to be inappropriate, and vice versa.
- 6.6. Formal allegations of harassment or bullying by staff members should be made via the Complaints Policy.
- 6.7. Formal allegations of harassment or bullying by students should be made via the conservatoire's Student Conduct and Disciplinary Policy.
- 6.8. No complainant will be disadvantaged or discriminated against as a result of making a complaint in good faith in accordance with this procedure. Allegations of such disadvantage or discrimination are grounds for complaint.

#### **7. Complaints relating to the admissions process**

- 7.1. Complaints relating to the admissions process may not fall within the scope of this procedure.
- 7.2. A complaint about an aspect of the admissions process should be made via this procedure.
- 7.3. A request to review a selection decision should be made via the Admissions Appeals Policy.
- 7.4. Complaints about an application for admission cannot be escalated beyond Stage 3 of this procedure unless the complainant is a former higher education student of the conservatoire who is applying for re-admission, and the complaint is directly connected to their time as a student.

#### **8. Academic Appeals**

- 8.1. Academic Appeals do not fall within the scope of this procedure. Academic Appeals should be pursued through the conservatoire's HE Academic Appeals & Queries Policy & Procedures.

#### **9. Safeguarding**

- 9.1. Safeguarding does not fall within the scope of this procedure. Safeguarding issues should be pursued through the conservatoire's Safeguarding Policy and Procedures.

#### **10. Group complaints**

- 10.1. If an issue has affected a group of individuals, the group may submit a complaint as a 'group complaint'. However, it is expected that the group will nominate one individual to act as a group representative. It is the responsibility of the representative to liaise with the other complainants. Unless stated otherwise, a group complaint will be handled in the same way as a complaint brought by an individual.

### **11. Complaints by parents or carers**

- 11.1. A parent or carer may make a complaint on behalf of an individual. However, such a complaint will only be considered if the individual has provided written confirmation that they consent to a complaint being made on their behalf.
- 11.2. Only information relating to the complaint will be shared with the parent or carer and any other information about the individual will remain confidential.

### **12. Anonymous complaints**

- 12.1. While complainants have the right to make a complaint anonymously, anonymous complaints may make it more difficult to investigate a complaint fully and communicate the outcome. Therefore, the conservatoire discourages complainants from making anonymous complaints where possible.

### **13. Vexatious or malicious complaints**

- 13.1. The conservatoire is under no obligation to consider any vexatious or malicious complaints. Examples of vexatious or malicious complaints include:
- Complaints not substantiated by evidence
  - Complaints which are obsessive, harassing, or repetitive
  - Insistence on pursuing unreasonable complaints and/or unrealistic, unreasonable outcomes
  - Insistence on pursuing reasonable complaints but in an unreasonable manner
  - Complaints which are designed to cause disruption or annoyance
  - Demands for redress which lack any serious purpose or value.
- 13.2. The member of staff investigating the complaint at Stage 1 of the Complaints Policy will be responsible for determining whether a complaint is vexatious or malicious. Complainants will be informed in writing **within 10 working days** of the complaint having been received. Complainants will have the opportunity to appeal this decision by writing to the Senior Quality & Compliance Officer **within 10 working days** of this decision being communicated.

### **14. Refunds and Compensation**

- 14.1. Refunds and compensation will not always be the most appropriate response to complaints and it is unlikely that most issues will be resolved in this way. However, a complainant may request a refund or compensation as the desired outcome of their complaint if they feel this is an appropriate remedy.
- 14.2. Decisions on refunds and compensation for students will be made in accordance with the Refunds and Compensation Policy (HE) for Higher Education students and the Short Courses Refund Policy for students on Short Courses.

- 14.3. Tuition fee refunds for Higher Education students that relate to early withdrawals, suspensions or transfers to other providers for reasons unrelated to the implementation of the conservatoire's Student Protection Plan, will be handled in accordance with the HE Tuition Fees and Academic related charges policy.

### Equality Impact Assessment Information

If the complaint refers to any of the following, the Chair of the EDI Committee will be informed and involved in the complaint, as required:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex and sexual orientation.

To ensure that complainants are not unfairly disadvantaged by their membership of any of these categories, the conservatoire may choose to consider a complaint outside of the timeframes stated throughout the procedure.

### Definitions

- Define key terminology of policy

### Policy

1. Leeds College of Music is committed to providing a high standard of experience for all of its students, stakeholders and visitors. If a complainant feels that the conservatoire has fallen short of their expectations, formal complaints ensure that the conservatoire is able to investigate issues and improve its service accordingly.
2. When dealing with a complaint, the conservatoire will seek to:
  - Resolve complaints at Stage 1 wherever possible
  - Resolve complaints as promptly as possible, taking due regard for the specific nature of the complaint being made
  - Ensure that complainants are not disadvantaged in any way by making a complaint
  - Investigate complaints in an impartial manner
  - Inform complainants in writing of the progress and outcome of the complaint
  - Meet the reasonable outcome sought by the complainant
  - Maintain appropriate confidentiality.

3. At all stages of this procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to those who need it for the purposes of investigating or responding to the complaint in a fair and timely manner.
4. In line with Data Protection Legislation, audio recordings of any meetings undertaken as part of a complaints investigation will not be permitted unless it is identified as a reasonable adjustment.
5. The conservatoire will endeavour to meet the deadlines given throughout this procedure. If the conservatoire is unable to meet a deadline, the complainant will be advised accordingly.
6. The conservatoire will not usually pay any expenses incurred by the complainant in pursuing their complaint. In some exceptional circumstances, the conservatoire may consider paying expenses, however this decision is at the absolute discretion of the Principal.
7. On request, the conservatoire will provide a Completion of Procedures Letter for higher education students when a complaint has been upheld. Otherwise, a Completion of Procedures Letter will be issued to higher education students at the conclusion of Stage 3 when the conservatoire's internal procedures have been exhausted.
8. A copy of this procedure can be found on the conservatoire's website and Virtual Learning Environment (SPACE) and can be sent on request by emailing [complaints@lcm.ac.uk](mailto:complaints@lcm.ac.uk).

## Procedure

### 1. Stage 1 – Early Resolution

- 1.1. All complaints should be submitted to the Senior Quality & Compliance Officer at [complaints@lcm.ac.uk](mailto:complaints@lcm.ac.uk) to be considered under Stage 1 of the Complaints Policy. Junior LCoM ([juniorkcom@lcm.ac.uk](mailto:juniorkcom@lcm.ac.uk)) and Short Courses ([shortcourses@lcm.ac.uk](mailto:shortcourses@lcm.ac.uk)) should be copied into complaints specific to its provision.
- 1.2. The Senior Quality & Compliance Officer will confirm receipt of the complaint **within 5 working days** and will nominate an appropriate member of staff to consider the complaint under Stage 1 of the procedure.
- 1.3. The nominated staff member will consider the complaint and determine if an early resolution can be offered. The nominated staff member will then provide a written response of the outcome to the complainant, as well as a copy of the Complaints Policy for information should the complainant wish to escalate their complaint to Stage 2. The outcome of the Stage 1 complaint will be communicated **within 10 working days** of the complaint being made and the Senior Quality & Compliance Officer will be copied into this communication. The response may be sent via email, or by post to the complainant's contact address if this has been provided.
- 1.4. It may be appropriate for the conservatoire to consider the role of mediation in enabling the complainant to reach a resolution at Stage 1.

- 1.5. Staff members named in a complaint will be informed of the Stage 1 outcome prior to its communication to the complainant. The staff member may have input into a Stage 1 complaint response to confirm the factual accuracy of the response only. They will not influence the outcome of the investigation.
- 1.6. Complaints relating to staff conduct will be forwarded to HR once received by the Senior Quality & Compliance Officer. HR will also be informed of the outcome of the complaint at the conclusion of Stage 1. In the absence of formal escalation by the complainant to Stage 2 of this procedure, HR may decide to take further action in accordance with the Disciplinary Policy and Procedure (Staff) as required. This decision lies with the relevant line manager in consultation with the Organisational Development and Human Resources Department.

## **2. Stage 2 – Formal Complaint**

- 2.1. If the complainant is dissatisfied with the outcome at Stage 1, a formal complaint should be submitted to the Senior Quality & Compliance Officer **within 10 working days** of communication of the Stage 1 outcome and by using the standard complaints form, included under Appendix 1 of this procedure.
- 2.2. The Senior Quality & Compliance Officer will confirm receipt of the complaint **within 5 working days** of the date the Stage 2 complaint was made.
- 2.3. Stage 2 complaints relating to staff conduct will be forwarded to HR and dealt with in accordance with the Disciplinary Policy and Procedure (Staff).
- 2.4. All other complaints will normally be investigated by the Senior Quality & Compliance Officer. However, in order to conduct a satisfactory investigation, it may sometimes be appropriate to appoint a different member of staff as investigator to ensure independence or sufficient familiarity with the area that is subject to complaint. In such case, the investigator will always be a different member of staff to the investigator at Stage 1.
- 2.5. The investigator will investigate the complaint fully, seeking information and clarification from other members of staff as appropriate.
- 2.6. The investigator will provide a formal written response to the complaint **within 10 working days** of receipt of the Stage 2 complaint. This response will include a summary of the evidence considered, the process followed, the conclusions drawn, and any recommendations made. The response may be sent by email, or by post to the complainant's contact address as indicated on the complaints form.
- 2.7. The Senior Quality & Compliance Officer will communicate the outcome of investigations regarding staff conduct to complainants following the relevant investigation via the Disciplinary Policy and Procedure (Staff). Complainants dissatisfied with the outcome may escalate their complaint to Stage 3 of the Complaints Policy.
- 2.8. If the complainant does not escalate their complaint to Stage 3 of this procedure **within 15 working days**, the conservatoire will conclude that the complainant is satisfied with the outcome issued following the Stage 2 investigation.



### 3. Stage 3 – Review

- 3.1. If the complainant is dissatisfied with the outcome at Stage 2, they should write to the Principal **within 15 working days** of communication of the Stage 2 outcome to request a review. Complainants should clearly outline their grounds for dissatisfaction, which may include:
  - New evidence is available that the complainant was unable, for valid reasons, to provide at Stage 1 or Stage 2 of the Complaints Policy
  - Evidence of bias in the procedure followed at Stage 1 or Stage 2 of the Complaints Policy
  - Evidence of procedural discrepancies at Stage 1 or Stage 2 of the Complaints Policy.
- 3.2. The Principal will confirm receipt of the complaint **within 5 working days** of the date of the request for review was sent.
- 3.3. The Principal will normally undertake the review at Stage 3. However, in order to conduct a satisfactory review, it may sometimes be appropriate to appoint a member of the Senior Leadership Team to undertake the review to ensure independence or sufficient familiarity with the area that is subject to the complaint.
- 3.4. The Principal (or nominee) has the power to:
  - Uphold the decision made at Stage 2 of the Complaints Policy
  - Overturn the decision made at Stage 2 of the Complaints Policy and substitute a new decision
  - Refer the complaint for further investigation under Stage 2 of the Complaints Policy.
- 3.5. The Principal (or nominee) will provide a formal written response to the complainant **within 15 working days** of receiving the request for a review. This response will include a summary of the evidence considered, the process followed, the conclusions drawn, and any recommendations made. The response may be sent by email, or by post to the complainant's contact address as detailed on the complaints form.
- 3.6. Where a complaint is referred for further investigation under Stage 2 of the Complaints Policy, the investigation may be undertaken by the Senior Quality & Compliance Officer or by another named member of staff. This decision is at the Principal's (or nominee's) discretion and will be communicated to the complainant in the formal written response issued at Stage 3.
- 3.7. Where the complaint is not referred back to Stage 2 of the Complaints Policy for further investigation, the formal written response provided at the conclusion of Stage 3 will constitute the Completion of Procedures Letter, indicating the end of the conservatoire's internal procedures.
- 3.8. If the complainant does not escalate their complaint to Stage 4 of this procedure **within 15 working days**, the conservatoire will conclude that the complainant is satisfied with the outcome issued following the Stage 3 review.
- 3.9. Complainants who are not registered students on LCoM higher education courses are not eligible to escalate their complaint beyond Stage 3 of the Complaints Policy.

#### 4. Stage 4 – Right of Complaint to the University of Hull (Higher Education students only)

- 4.1. Complainants who are registered students on LCoM higher education courses and are dissatisfied with the outcome at Stage 3 of the Complaints Policy may complain to the University of Hull.
- 4.2. Complaints must be made in writing **within 15 working days** of communication of the Stage 3 outcome.
- 4.3. Complaints to the University are limited to challenging the application of the procedure through which the complaint was considered at the conservatoire and can only be made once the conservatoire's internal procedures (Stages 1-3) have been exhausted.
- 4.4. University guidelines on students' Right of Complaint to the University of Hull can be found in the [University's Quality Handbook](#), Student Information: Regulations for the investigation and determination of complaints by students.
- 4.5. The University's Complaints Officer's report issued at the conclusion of Stage 4 will constitute the Completion of Procedures Letter, indicating the end of conservatoire and University procedures, and will conform to guidance issued by the Office of the Independent Adjudicator (OIA).

#### 5. Stage 5 – Office of the Independent Adjudicator (Higher Education students only)

- 5.1. Complainants who are registered students on LCoM higher education courses, have exhausted Stages 1-4 of the Complaints Policy and are dissatisfied with the Stage 4 outcome, may be able to request a review of their complaint by the OIA.
- 5.2. Complaints to the OIA are limited to challenging the application of the procedure through which the complaint was considered at LCoM and the University of Hull and can only be made once Stages 1-4 of the Complaints Policy have been exhausted.
- 5.3. Complainants must have received the Completion of Procedures Letter issued at the conclusion of Stage 4 to escalate their complaint to Stage 5 and complaints to the OIA must be made **within 12 months** of the date of this Completion of Procedures Letter.
- 5.4. Guidelines on students' right to complain to the OIA can be found via the [OIA website](#).

#### Breach of Policy

- N/A

## Appendix 1 – Stage 2 Complaint Form

Please fill in the following form as fully as you can. You can return the form by email to [complaints@lcm.ac.uk](mailto:complaints@lcm.ac.uk) or by post to the Senior Quality & Compliance Officer, Registry, Leeds College of Music, 3 Quarry Hill, Leeds, West Yorkshire, LS2 7PD.

<b>Your Complaint</b>	
Name:	
Programme of study (students only):	
Year of study (students only):	
Contact address:	
Telephone number:	
Conservatoire email (or personal email if a visitor to the conservatoire):	
Nature of complaint: (Please provide as much detail as is relevant, including when the issue you are complaining about took place.)	
Outcome of Stage 1 complaint:	
Outcome sought:	
Supporting evidence:  (Please include as much evidence as is relevant to your complaint. If you are sending this form by email and are planning to attach documents, please list them here as well as attaching them to your email.)	
Reasonable adjustments required (disability) or any other specific needs: (For example, please state here if you will require longer timescales.)	
Signature:	
Date:	
<b>For Office Use Only</b>	
Received By:	
Received On:	

## Appendix 2 – List of Relevant Contacts

The following contacts will be able to help you at each stage of the complaints process. Their roles are outlined in the Complaints Policy above.

[complaints@lcm.ac.uk](mailto:complaints@lcm.ac.uk)

### **Principal**

Gerry Godley ([g.godley@lcm.ac.uk](mailto:g.godley@lcm.ac.uk))

### **University of Hull Complaints Investigation Officer**

[studentcomplaints@hull.ac.uk](mailto:studentcomplaints@hull.ac.uk)

## Appendix 3 – Examples of Harassment and Bullying

### Examples of harassment

The list below provides examples of behaviour that may constitute harassment and is not exhaustive but is indicative of conduct that would be considered unacceptable by the conservatoire.

- Violence or threat of violence;
- Unwanted physical contact, sexual advances or innuendo;
- Verbal abuse, including threats, derogatory name calling, insults, ridicule or belittling of an individual;
- Using humour to put another person or group of people down, for example, telling jokes that are sexist, racist or about an individual's sexual orientation;
- Spreading malicious lies or making insulting comments;
- Display or circulation of abusive or offensive materials, for example by email or any form of social media;
- Sending offensive text messages;
- Ostracism or exclusion from normal conversation in the study environment, or from social events;
- Intrusion by pestering, spying or stalking;
- Coercion, such as pressure to subscribe to a particular political or religious belief.

### Examples of bullying

- Psychological intimidation, humiliation, excessive and/or unreasonable criticism or fault-finding of any colleague or peer;
- Preventing an individual progressing by intentionally blocking opportunities, unjustifiably restricting choice of study options or access to tuition or facilities;
- Unfair allocation of work and responsibilities or setting unreasonable goals or targets;
- Asserting a position of intellectual superiority in an aggressive, abusive or offensive manner whether orally or in writing, publicly or in private.