

**The London Institute of Banking & Finance Code of Practice for Quality Assurance  
(Higher Education)**

**Chapter 10: Student Complaints and Appeals**

**10.1 Overview and Context**

**10.1.1** This chapter applies to all taught programmes offered by The London Institute of Banking & Finance, at both undergraduate and postgraduate level, and has been developed in the light of the Quality Assurance Agency (QAA) and the Office of the Independent Adjudicator (OIA) guidelines. This chapter applies to students who have registered or enrolled on their course and former The London Institute of Banking & Finance students. Former students should raise issues of complaint or academic appeal within twelve months of the end of their studies.

Complaints or appeals with respect to an application to study will be handled via the steps detailed within this chapter but are ineligible to be escalated to external review by the OIA<sup>1</sup> following completion of internal processes.

**10.1.2** There are two distinct processes for Student Complaints and Appeals. Students should review both of these policies contained within this chapter and seek guidance from Student Support Services to confirm the correct procedure to follow. In certain circumstances, and with the agreement of the student, a student complaint and an appeal may be considered together.

**10.1.3** Should a complaint be received that falls both into the complaint and appeals procedure the case will be directed to a designated Complaints Officer who will advise the student which areas will be addressed under which policy and the implications, if any, of following two procedures at once.

**10.1.4** A student cannot make a complaint against a decision on malpractice, reasonable adjustment or special considerations but should instead raise an appeal and follow the Appeals Policy outlined in this chapter.

**10.1.5** These procedures may be varied in the case of programmes which form part of an award delivered collaboratively with a partner institution. Where such collaboration involves the provision of student tuition only, complaints concerning the service provided should be addressed to the provider in the first instance. Only when the tuition provider's complaints process has been exhausted may the student refer the matter to The London Institute of Banking & Finance. The collaborative provider should report all complaints and the outcomes to The London Institute of Banking & Finance so that monitoring of the collaborative partners performance on complaints handling can take place. All appeals should be addressed to The London Institute of Banking & Finance in the first instance, however, depending on the nature of the appeal it may be referred to the partner institution.

**10.1.6** The London Institute of Banking & Finance subscribes fully to the broad principles laid down by the QAA and the OIA and strives to ensure that its policies and procedures in terms of student complaints and appeals are consistent with both its vision and strategic and academic aims.

**10.1.7** Through the Student Complaints and Appeals policies and procedures, The London Institute of Banking & Finance ensures that:<sup>2</sup>

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<sup>1</sup> <http://oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>

- complaints and appeals are treated fairly, consistently, transparently, and in a timely manner;
- it takes appropriate actions with regard to the complainant and other learners where complaints or appeals reveal any failure on the part of The London Institute of Banking & Finance;
- it reviews aspects of its service in the light of any complaints or appeals; and
- it maintains duties of confidentiality to third parties, or other legal duties, in responding to complaints and appeals.

**10.1.8** If, as a result of the complaints or appeals processes, The London Institute of Banking & Finance learns of a failure in its assessment process, The London Institute of Banking & Finance will take reasonable steps to:

- identify other students who have been affected by this failure;
- correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure; and
- make sure that the failure does not occur again.

## **10.2 Summary of Complaint Policy**

**10.2.1** A complaint can broadly be defined as an expression of dissatisfaction with a product or service delivered by The London Institute of Banking & Finance and The London Institute of Banking & Finance further clarifies this position in relation to Higher Education students by subscribing to the QAA<sup>3</sup> definition of a complaint as being;

*‘The expression of a specific concern about matters that affect the quality of a student’s learning opportunities’.*

**10.2.2** Students that are dissatisfied with decisions made on student progress, assessment and awards, malpractice, reasonable adjustments or special considerations should first be referred to The London Institute of Banking & Finance’s Higher Education Appeals Policy.

**10.2.3** A complaint may be raised by a registered student, which includes those who have recently left their programme of study<sup>4</sup>, or a third party with explicit written authority to act on the student’s behalf.

**10.2.4** A complaint raised by a group of students will be accepted by The London Institute of Banking & Finance. Students will be responded to individually, however in some circumstances a group representative may be appointed in order to manage the progression of the complaint.

**10.2.5** Where a programme forms part of an award delivered collaboratively with a partner institution and such collaboration involves the provision of student tuition only, complaints concerning the service provided should be addressed to the provider in the first instance. Only when the tuition provider's complaints process has been exhausted may the student refer the matter to The London Institute of Banking & Finance. The collaborative provider should report all complaints and the outcomes to The London Institute of Banking & Finance so that effective monitoring can take place. This is to ensure the complaint is dealt with in a satisfactory manner and to monitor the performance of the collaborative partner

## **10.3 The Complaint handling process**

**10.3.1** A complaint made by a student should be made as soon as possible, ideally within ten working days from the date of the incident occurring. The London Institute of Banking & Finance reserves the right to

<sup>2</sup> With reference to complaints procedures of Ofqual's *General Conditions of Recognition*, conditions D3.2, D4, D4.2 and I2.

<sup>3</sup>QAA, *UK Quality Code for Higher Education* Chapter B9: *Academic Appeals and Student Complaints*

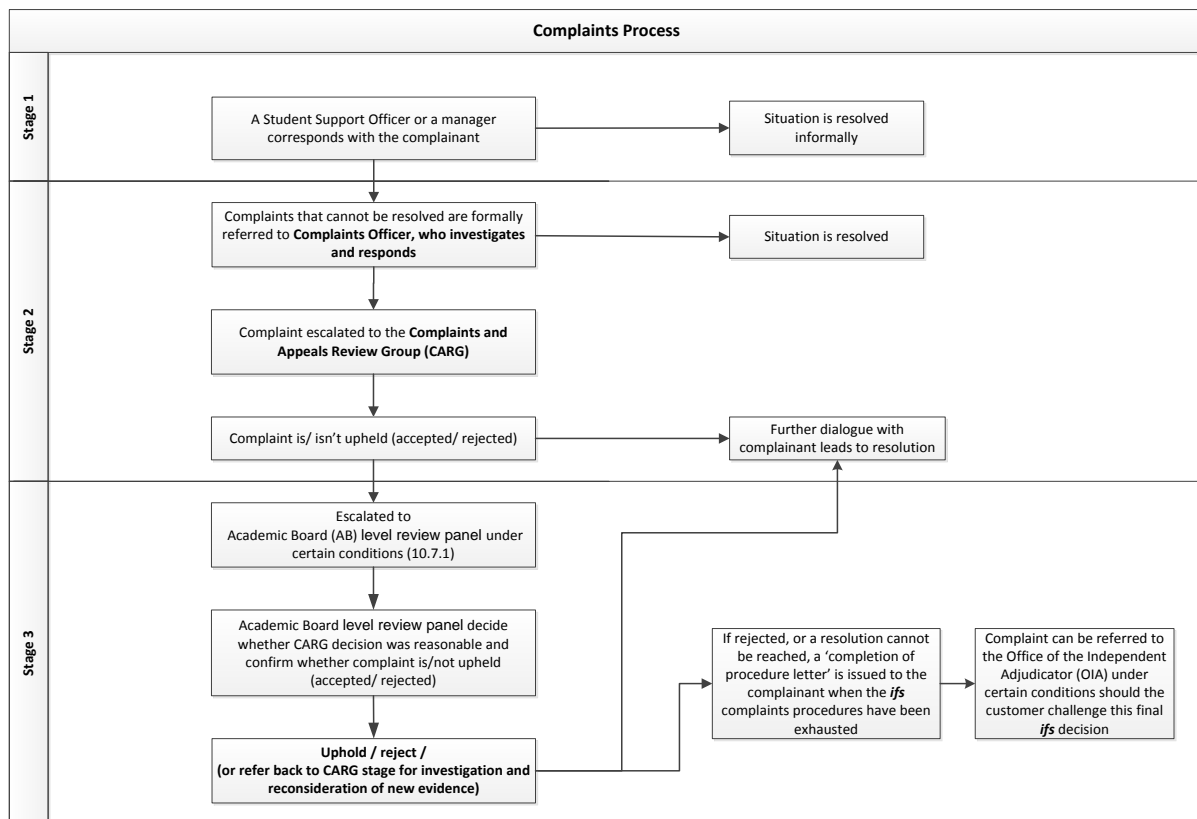
<sup>4</sup>QAA, *UK Quality Code for Higher Education*, *Ibid.*

dismiss a complaint brought more than three months after the incident occurred or that should, within reason, have been highlighted at an earlier point. The London Institute of Banking & Finance will deal with all complaints as promptly as possible and within clearly defined timescales. Where it is not possible to meet these service standards, students will be informed of the progress of their complaint.

**10.3.2** Students should raise matters of concern without risk of disadvantage.

**10.3.3** The stages for handling a complaint are as set out in **Figure 1** below.

**Figure 1: The complaints handling process**



**10.3.4** The London Institute of Banking & Finance employees who are involved in resolving complaints are trained in the service standards of The London Institute of Banking & Finance to provide customer-friendly service and be knowledgeable, professional and courteous in meeting the needs of The London Institute of Banking & Finance students.

**10.3.5** All complaints will be treated appropriately, through dialogue and mutual understanding, with regard to applicable law, and in line with The London Institute of Banking & Finance's Equality and Diversity Policy. The London Institute of Banking & Finance will provide sufficient opportunity for any complaint to be fully discussed and resolved and such issues will be treated in confidence and with impartiality. The London Institute of Banking & Finance complies fully with the provisions of the Data Protection Act 1998. Advice on the process and regulations for making a complaint may be obtained from Student Support Services.

**10.3.6** The London Institute of Banking & Finance expects students making complaints or enquiries via any medium to act with respect, courtesy and in a professional manner towards The London Institute of Banking & Finance staff facilitating their complaint. The London Institute of Banking & Finance provides safeguards as far as practicably possible to protect the interests and well-being of staff dealing with complaints, if a complainant is abusive or vexatious to The London Institute of Banking & Finance staff, The London Institute of Banking & Finance will warn the complainant of their behaviour and reserves the right to discontinue their current form of communication.

**10.3.7** The London Institute of Banking & Finance reserves the right to exclude or remove a student from a programme of learning if they make frivolous or vexatious complaints or appeals.

**10.3.8** The London Institute of Banking & Finance references the Office of the Independent Adjudicator's (OIA) definition of frivolous or vexatious complaints or appeals as exemplified within the OIA's [Good Practice Framework](#) and defined within the [OIA Policy on Frivolous or Vexatious Complaints](#).

**10.3.9** A student will receive a formal written warning from the Complaints Officer before any action is taken if their complaint or appeal is at risk of becoming considered frivolous or vexatious.

**10.3.10** Should a student who has been issued with a formal written warning continue to lodge frivolous or vexatious complaints or appeals the matter will be dealt with formally under the Disciplinary Policy including the students right to appeal.

**10.3.11** Complaints will not be upheld where the student complains about something that has been made clear in the regulations that the student has accepted. Therefore, the complainant is advised to familiarise themselves with all of the course and / or assessment regulations, deadlines or other requirements before making a complaint.

**10.3.12** At any stage the student and The London Institute of Banking & Finance are each entitled to seek independent advice, as appropriate, in respect of a complaint.

**10.3.13** At each stage of the complaints process one of the following outcomes will apply:

- A complaint is upheld (in part or in full). Where appropriate, some form of action is taken.
- A complaint is not upheld. Reasons for this decision will be given clearly to the complainant.

**10.3.14** At the end of each stage in the process the complainant may accept the outcome or they may chose to progress their complaint to the next relevant stage, if they have the grounds to do so.

**10.3.15** Where, through a complaint, The London Institute of Banking & Finance learns of a failure in its processes, the actions taken to resolve this failure may also be applied to other learners and / or used to inform improvements to The London Institute of Banking & Finance processes.

## **Stage One**

### **10.4 Informal resolution**

**10.4.1** The London Institute of Banking & Finance will always attempt to resolve a complaint at the informal stage in the first instance. In doing so the complaint will be investigated and there will be an attempt to reach a solution that satisfies both parties.

**10.4.2** All correspondence will be responded to clearly, concisely, and in a timely manner. Complainants should supply The London Institute of Banking & Finance with their registration number and any other applicable information and evidence.

**10.4.3** There may be occasions where it is not appropriate to resolve a complaint informally. Depending on the nature of the complaint, a complainant may be advised to lodge a formal complaint from the outset. In such a situation the complainant will be advised of how their complaint will need to be progressed.

## **Stage Two**

### **10.5 Complaints Officer**

**10.5.1** If The London Institute of Banking & Finance is unable to satisfactorily resolve the complaint informally the complainant should address their complaint in writing to:

## **Complaints Officer**

Administrative Centre:

4–9 Burgate Lane

Canterbury

Kent

CT1 2XJ

England

**E :** [complaints@libf.ac.uk](mailto:complaints@libf.ac.uk)

**10.5.2** The complainant must state in writing to the Complaints Officer their reasons for the complaint and clearly identify what resolution they are seeking.

**10.5.3** The Complaints Officer will act as the main point of contact for the complainant and will keep the Complainant informed of the timescales, progress and outcome(s) of their complaint.

**10.5.4** The Complaints Officer will confirm receipt of a written complaint within five working days; notifying the complainant of the process that will be undertaken and the timescale within which they expect the outcome of the complaint investigation to be communicated in.

**10.5.5** The Complaints Officer may be able to resolve the complaint at this stage.

**10.5.6** If the Complaints Officer is unable to resolve the complaint at this time they will inform the complainant that their complaint will be reviewed by the Complaints and Appeals Review Group (CARG).

## **10.6 Complaints and Appeals Review Group**

**10.6.1** If a complainant is not satisfied with the decision that has been made with respect to their complaint, they are entitled to escalate their complaint to the Complaints and Appeals Review Group.

**10.6.2** The standard of proof required at any consideration by the Complaints and Appeals Review Group shall be the balance of probabilities.

**10.6.3** The Complaints and Appeals Review Group is held on a regular basis and will normally consider a complaint within 20 working days of the case being referred by the Complaints Officer.

**10.6.4** The student and The London Institute of Banking & Finance are each entitled to seek independent advice as appropriate in respect of a complaint; however, the student cannot have legal representation during the complaints process.

**10.6.5** The student may ask to be present or to have a representative present at the hearing of their complaint. The student will be notified of the proposed date of their complaint being heard and their entitlement to have a supporter accompany them. A supporter may or may not be a member of The London Institute of Banking & Finance staff.

**10.6.6** Depending on the nature of the complaint the Complaints and Appeals Review Group may not be able to propose a solution to a complaint it has upheld, in this situation it will inform the department best placed to address the issue of the complaint and request that a resolution is provided. The Complaints Officer will provide written confirmation of the Complaints and Appeals Review Group decision and any action(s) to be taken including timescales, within ten working days of the case being heard.

## **Stage Three**

### **10.7 Escalation to Academic Board (review panel)**

**10.7.1** If the complainant is dissatisfied with the outcome after their case has been heard at the Complaints and Appeals Review Group, they can request within 10 working days of receiving notification of the outcome of the hearing that the case be reviewed. Such a review may only be requested on one or more of the following grounds:

- that the procedure adopted by the Complaints and Appeals Review Group was defective; or
- that the action taken or solution provided was unreasonable in light of the outcome determined by the Complaints and Appeals Review Group; or
- that new evidence that could not have been produced to the Complaints and Appeals Review Group has since come to light.

**10.7.2** The reasons for requesting a review must relate to the way the complaint has been investigated or dealt with, a review will not be considered if the nature of the complaint is merely restated.

**10.7.3** The London Institute of Banking & Finance reserves the right to reject any review against a Complaints and Appeals Review Group decision that does not fall within the grounds stated in 10.7.1 above or fails to provide appropriate grounds for escalation.

**10.7.4** If a review proceeds, the Complaints Officer will advise the complainant of all timescales related to the review panel process and formal consideration will be undertaken by a review panel which will include at least one member of the Academic Board. The panel will be chaired by an individual who has no direct involvement with the complaint. The complainant or any representative of the complainant is not permitted to be present at the Academic Board review panel meeting.

**10.7.5** The complainant must present to the Academic Board review panel a case in writing outlining the grounds they believe they have for escalation of their complaint. The review panel may request any further information it deems necessary to progress the investigation of the complaint. If the review panel agrees that the individual has sufficient grounds for escalation, it will review the complaint. In such a situation, the review panel has the power to overturn the outcome determined by the Complaints and Appeals Review Group.

**10.7.6** If the complaint is upheld on the grounds that new evidence has come to light since the original case was heard, the review panel will have the power to direct the Complaints and Appeals Review Group to reconsider its original outcome, taking into consideration the new evidence. The rights of the complainant to escalate the complaint shall apply equally to the reconsideration by the Complaints and Appeals Review Group.

**10.7.7** At any stage, if a complaint is upheld then The London Institute of Banking & Finance will undertake to offer appropriate remedial action depending on the nature of the complaint. Regardless of the outcome of the complaint, the complainant is expected to cover their own costs.

**10.7.8** If a request for a review is rejected and all internal complaints and / or review procedures are exhausted, The London Institute of Banking & Finance will issue the complainant with a completion of procedures letter stating that the complaints / review process has been exhausted. The case may then be eligible for consideration by the [Office of the Independent Adjudicator for Higher Education \(OIA\)](#).

### **10.8 External referral**

**10.8.1** In certain circumstances, and where The London Institute of Banking & Finance complaints processes have been exhausted, a complaint may be made to the Office of the Independent Adjudicator for Higher Education (OIA) within the terms of [OIA's complaints policy](#). The London Institute of Banking & Finance will

comply with the complaints process established by OIA and will give due regard to the outcome of any complaints process in relation to a qualification which The London Institute of Banking & Finance delivers.

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### **10.9 Summary of Appeals Policy**

**10.9.1** For the purposes of The London Institute of Banking & Finance's Appeals Policy, 'appeals' will constitute both Academic Appeals as defined in 10.10 and [Other Appeals](#) against decisions on malpractice, reasonable adjustment and special considerations as defined in 10.12.

**10.9.2** Appeals may be made only on specific grounds and criteria and students should make themselves familiar with the grounds for academic appeals (10.11) and the categories and criteria for other appeals (10.13.1 and 10.13.2) before submitting an appeal.

**10.9.3** An appeal which is based simply on a challenge to the academic judgment of the examiner(s) will not be accepted.

**10.9.4** If, as a result of an appeals process, The London Institute of Banking & Finance learns of a failure in its assessment process, The London Institute of Banking & Finance will take reasonable steps to:

- i. identify other students who have been affected by this failure;
- ii. correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure; and,
- iii. make sure that the failure does not occur again.

**10.9.5** In the case of programmes which form part of an award delivered collaboratively with a partner institution, all appeals should be addressed to The London Institute of Banking & Finance in the first instance however, depending on the nature of the appeal it may be referred to the partner institution.

### **10.10 Appeals (Academic)**

**10.10.1** In line with the Quality Assurance Agency for Higher Education's (QAA) UK Quality Code for Higher Education and the Office of the Independent Adjudicator's (OIA) Good Practice Framework an academic appeal is defined as:

*'A request for a review of a decision of an academic body charged with making decisions on student progress, assessment and awards'.*

**10.10.2** A student may only appeal against decisions of Module or Programme Assessment Boards on specific grounds as detailed within the Appeals policy section 10.11. Academic Appeals cannot be made against provisional results.

### **10.11 Grounds for Appeals (Academic)**

**10.11.1** There are two grounds on which an Academic Appeal will be considered:

1. That there had been an administrative error or other irregularity in the conduct of an assessment or processing of marks, grades or classification of the award, or
2. That there are extenuating circumstances potentially affecting a student which were not known to, and could not have been brought to the attention of, the Assessment Board when it made the decision concerned.

**10.11.2** The appeal must state and demonstrate clearly on which of the above grounds it is based, and must be supported by all relevant evidence.

**10.11.3** The London Institute of Banking & Finance reserves the right to reject an appeal that does not meet the grounds set out in this policy.

### **10.12 Appeals (Other)**

**10.12.1** Students can also make an appeal against a The London Institute of Banking & Finance decision in the following categories:

- i. A reasonable adjustment outcome with respect to an individual assessment component or module within a programme, not to the programme itself.
- ii. A special consideration outcome in relation to an individual assessment component or module within a programme, not to the programme itself.
- iii. A malpractice outcome associated with an individual assessment component or module within a programme, or the award of the overall programme.
- iv. A decision regarding an application to study.

### **10.13 Grounds for Appeals (Other)**

**10.13.1** The criteria against which the appeals detailed in 10.12.1 may be submitted to The London Institute of Banking & Finance are as follows:

- i. The policy or procedure for the decision reached was not followed correctly or applied fairly by The London Institute of Banking & Finance.
- ii. New and relevant information or evidence that was not known by The London Institute of Banking & Finance, or could not have been brought to the attention of The London Institute of Banking & Finance at the time the decision was made, has become available.

**10.13.2** The appeal must state and demonstrate clearly on which of the above grounds it is based, and must be supported by all relevant evidence.

**10.13.3** Where new information is provided as part of the appeal, under section 10.13.1 (ii), it may initially be referred back to the original decision maker to allow an opportunity for early resolution.

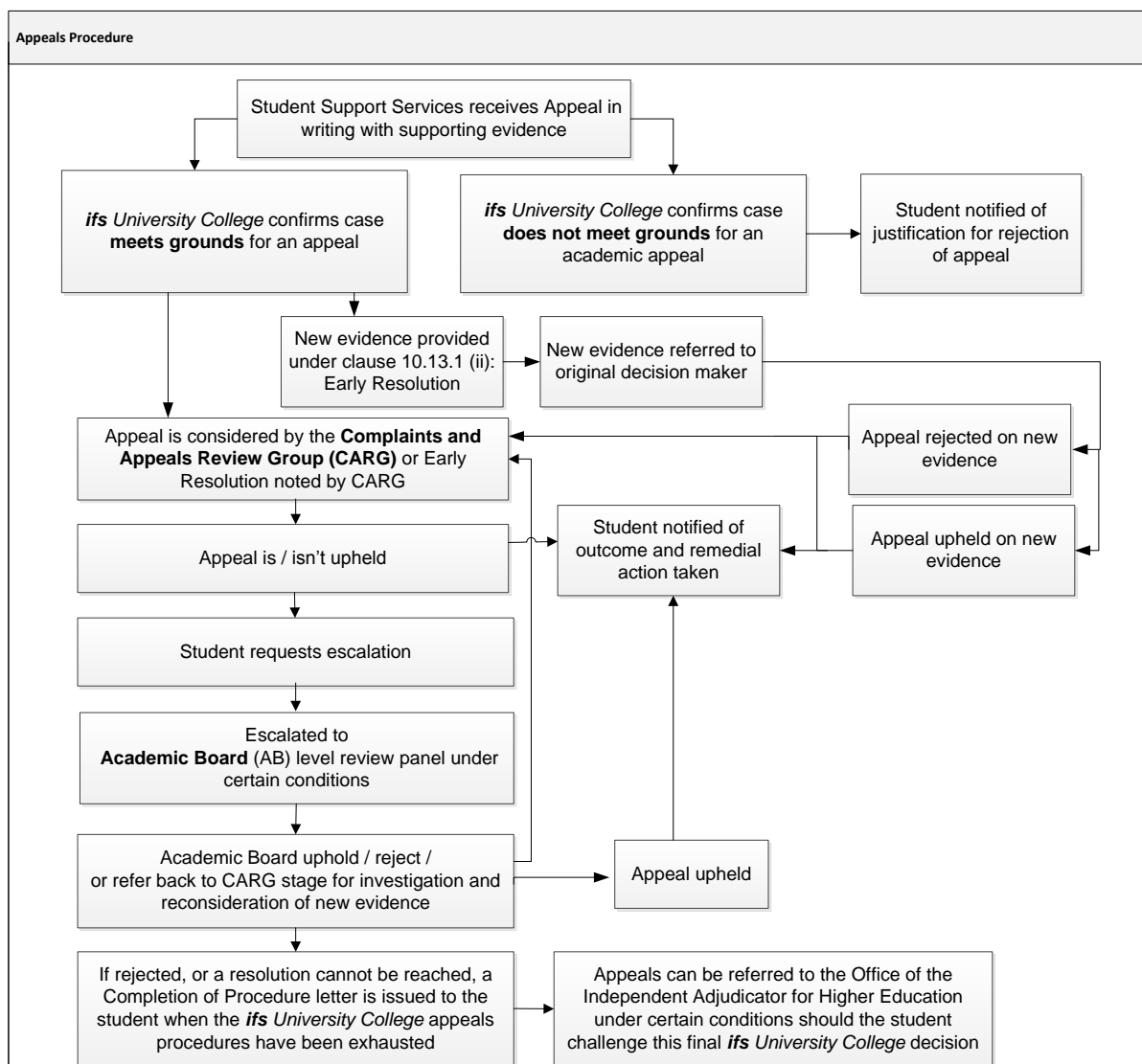
**10.13.4** The London Institute of Banking & Finance reserves the right to reject an appeal that does not meet the grounds set out in this policy.

### **10.14 Making an appeal**

**Figure 2: The appeals handling process follows:**



Figure 2



**10.14.1** Advice on the process for making an appeal can be sought from Student Support Services. The Student Support Services team may be able to resolve the issue by clarifying the conditions under which appeals can be progressed.

**10.14.2** If initial attempts are unable to resolve the issue, an appeal must be made in writing and submitted to Student Support Services within fifteen working days of the result being communicated to the student. If the appeal is received after the deadline, The London Institute of Banking & Finance reserves the right to refuse the application. Only in exceptional circumstances will a request for an appeal be considered after this time.

**10.14.3** Appeals and accompanying evidence should be submitted in writing to:

**Student Support Services**

Administrative Centre:  
 4-9 Burgate Lane  
 Canterbury  
 Kent  
 CT1 2XJ  
 United Kingdom

**10.14.4** The appeal must clearly state the grounds for the appeal being made (see 10.11 or 10.13) and clearly identify what resolution is sought. All supporting evidence must be supplied with the appeal or, if it is not available at the time of the application, as soon as it becomes available. The London Institute of Banking & Finance will not take responsibility to seek evidence beyond that supplied by the student making the academic appeal.

**10.14.5** The London Institute of Banking & Finance reserves the right to exclude or remove a student from a programme of learning if they make frivolous or vexatious appeals.

**10.14.6** The London Institute of Banking & Finance references the Office of the Independent Adjudicator's (OIA) definition of frivolous or vexatious appeals or complaints as exemplified within the OIA's [Good Practice Framework](#) and defined within the [OIA Policy on Frivolous or Vexatious Complaints](#).

**10.14.7** A student will receive a formal written warning before any action is taken if their appeals are at risk of becoming considered frivolous or vexatious.

**10.14.8** Should a student who has been issued with a formal written warning continue to lodge frivolous or vexatious appeals the matter will be dealt with formally under the Disciplinary Policy including the student's right to appeal.

### **10.15 Processing an appeal**

**10.15.1** The London Institute of Banking & Finance will acknowledge receipt of the appeal within five working days.

**10.15.2** On receipt of the appeal, The London Institute of Banking & Finance will determine whether the appeal meets the conditions outlined in section 10.11.1 for an academic appeal or 10.13.1 for other appeals.

**10.15.3** If the case does not meet the grounds for an appeal, as outlined in this policy, the student will be given a reason for the rejection of the appeal.

**10.15.4** If the case satisfies the grounds for an appeal, the case will be reviewed by the Complaints and Appeals Group and the student will be informed of the time period within which it will be considered. The London Institute of Banking & Finance may request further information or evidence from the student, in which case the timescale will only begin once all the requested supporting evidence has been received by The London Institute of Banking & Finance.

### **10.16 Review by the Complaints and Appeals Review Group**

**10.16.1** The Complaints and Appeals Review Group will investigate the appeal, including the policy and procedures followed in reaching the original decision being appealed, and the facts upon which the decision was based.

**10.16.2** A written response will be provided outlining the issues that have been considered, the findings and the outcome of the review within ten working days of the Complaints and Appeals Review Group's investigation. If The London Institute of Banking & Finance requires additional time to investigate an appeal, it will keep the complainant fully informed of this and progress thereafter.

**10.16.4** The student and The London Institute of Banking & Finance are each entitled to seek independent advice, as appropriate, in respect of an appeal. However, the student cannot have legal representation during the appeals process.

**10.16.5** The student may ask to be present or to have a representative present at the hearing of their appeal. The student will be notified of the proposed hearing and their entitlement to have a supporter accompany them. A supporter may or may not be a member of The London Institute of Banking & Finance.

**10.16.6** All the information submitted to The London Institute of Banking & Finance during the appeals process is treated as confidential.

#### **10.17 Escalation to the Academic Board (review panel)**

**10.17.1** If the student is dissatisfied with the outcome of the Complaints and Appeals Review Group decision they can formally request a review by the Academic Board, in writing within ten working days, clearly setting out how The London Institute of Banking & Finance's appeals process has failed to address their concerns.

**10.17.2** The London Institute of Banking & Finance will confirm receipt of the request within five working days.

**10.17.3** The Academic Board will appoint a review panel, chaired by a member of the Board who is independent of the appeal. The student, or any representative, may not be present at this hearing.

**10.17.4** The Academic Board review panel will review the appeal procedure and, if the appeal is upheld, will have the power to overturn the finding of the Complaints and Appeals Review Group. If the appeal is upheld on the grounds that new evidence has since come to light, the review panel will have the power to direct the case back to the Complaints and Appeals Review Group to consider the new evidence and its earlier finding.

**10.17.5** If an appeal is successful, then The London Institute of Banking & Finance will take appropriate remedial action.

**10.17.6** Regardless of the outcome of the appeal, the student is expected to meet his/her own costs.

**10.17.7** If the final decision of The London Institute of Banking & Finance is not to uphold the appeal after the completion of all internal processes, The London Institute of Banking & Finance will automatically issue a Completion of Procedures letter. If the appeal is upheld, or partly upheld, The London Institute of Banking & Finance will inform the complainant that they can request a Completion of Procedures letter if they remain dissatisfied with the outcome. In those circumstances, a Completion of Procedures letter will be issued when requested by the student. The Completion of Procedures letter will confirm that all internal procedures of The London Institute of Banking & Finance have been exhausted and advise how the student can seek independent review, should they wish to do so, by the [Office of the Independent Adjudicator for Higher Education](#).

#### **10.18 External Review**

**10.18.1** Following any decision by the Academic Board review panel the appeals process is deemed to have been exhausted. The London Institute of Banking & Finance will issue the complainant with a Completion of Procedures letter. If the complainant is still dissatisfied with the outcome, the case may then be eligible for consideration by the Office of the Independent Adjudicator for Higher Education (OIA). The London Institute of Banking & Finance will comply with the process established by OIA and will give due regard to the outcome of any process in relation to a qualification which The London Institute of Banking & Finance delivers.

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