

Doc Ref: FWdoc-102-Complaints_Procedure
Extracted from: N/A
Previous author: Sarah Shaw
Previous review date: 6th March 2014
Previous review team: Quality Team

Current author: Matt Fraser
Approved by: Ben Norris
Approved date: 7th April 2016
Next review date: 10th April 2017
Next review by: Data & Compliance Unit

STUDENT COMPLAINTS PROCEDURE

1. INTRODUCTION

These regulations apply to all programmes delivered at Futureworks. Complaints are dealt with through this Complaints Procedure, which is managed by the Head of Student Services. When a complaint is received the Head of Student Services will decide whether it should be defined as a complaint or as an academic appeal. If it is defined as an academic appeal it will be dealt with under the partner university Academic Appeals procedure.

Students who submit a complaint will not be disadvantaged in any respect.

References in this procedure to an office holder (eg Head of School) include a nominee acting on behalf of that office holder. Futureworks will ensure that anyone investigating or deciding on a complaint has had no prior involvement in the complaint.

Futureworks endeavours to carry out these procedures fairly, consistently and impartially and in accordance with Futureworks Equal Opportunities Policy.

2. COMPLAINTS, INFORMAL AND FORMAL

Futureworks is committed to providing high quality education. Our aim is to provide a supportive environment and to be responsive to concerns when they are raised.

Feedback from students – critical or complimentary - is welcomed as part of our approach to the development and enhancement of the quality of our services. There are a number of formal and informal methods for compliments, criticisms and complaints to be heard. The Complaints Procedure is one of these methods, and is intended to ensure that students who have complaints can be sure that they will be listened to and responded to fairly and transparently.

Most complaints can be resolved informally and quickly. If you wish to complain about any aspect of your experience at Futureworks, we encourage you to raise the matter informally with the appropriate person. For example:

- A concern about your experience within a module can be raised with the Module Tutor, or if there is a reason why you prefer not to speak to the Module Tutor about the problem, you can speak to your Personal Tutor or your Programme Leader.

- A concern about facilities can be raised with the Head of Student Services.
- For some issues you may consider using the Suggestion Box.

We recognise that there may be occasions when you have cause for complaint about the service you have received which you feel cannot be resolved informally, or where you have raised the matter informally, but you are dissatisfied with the response. When this happens, the Complaints Procedure is intended to provide an accessible, fair and straightforward system which ensures an effective and prompt response.

3. WHO CAN COMPLAIN?

Any student who directly seeks or receives a service from Futureworks can submit a complaint under this procedure. Students who have suspended their studies or who have been temporarily suspended or excluded from Futureworks may also use this procedure.

Former students may complain within a reasonable time period. Normally, this will be within 3 months of leaving Futureworks.

Complaints can be raised individually by a single student or collectively by a group of students. Where a complaint is raised collectively, it should include a signed statement from all parties confirming that they have been affected by the alleged incident and authorising one person to speak on behalf of the group.

If you are studying on a programme validated by our partner University you should pursue your complaint with Futureworks in the first instance. After exhausting the Futureworks complaints procedure, if you are still dissatisfied you are entitled to submit your complaint to the partner University under Stage 3 of this procedure within 15 working days of the date of Futureworks' final response.

Except in exceptional circumstances, anonymous complaints will not be dealt with under this procedure. It is at the discretion of the General Manager how these are handled.

4. ADVICE AND SUPPORT

You can seek advice and support from the Student Services team on 0161 214 4610 or at student.services@futureworks.co.uk. If you are studying on a programme validated by a partner University you can also access independent advice and support from the University Students Union.

If you have declared a disability, Futureworks will endeavour to ensure that information is available in appropriate formats and reasonable adjustments are made to the proceedings to accommodate this.

All stages of this Procedure are internal proceedings. These proceedings are intended to be fair and to comply with the rules of natural justice, and should not be adversarial or overly legalistic. There is no need for anyone to have formal legal representation.

Anyone who lodges a complaint or against whom a complaint is made will be entitled to be accompanied by a person of their choosing at any stage in the Procedure. You may choose to be accompanied by a friend/family member or by a member of the partner University Students Union. There is no objection if the person is legally qualified, so long as that person understands and respects the nature of the proceedings and does not adopt an overly adversarial or legalistic stance. Students who lodge a complaint may not be represented in their absence, unless there are exceptional reasons (such as a health condition) which mean this is necessary.

5. CONFIDENTIALITY

Confidentiality will be preserved during the investigation of a complaint to safeguard the interests of everyone concerned, unless disclosure is necessary to progress the complaint, or where the health and safety of individuals may be at risk. Futureworks expects that all parties will respect the confidentiality of the process.

Any individual about whom a complaint is made will have the right to be informed of the fact and nature of the complaint.

6. ACTION RESULTING FROM A COMPLAINT

In the case of all complaints, Futureworks seeks to ensure that appropriate and reasonable action is taken within a reasonable timescale. Where a complaint is found to be justified in full or in part, any appropriate remedial action will be notified as part of the decision. If a complaint is found to be not justified at any stage, the reasons for the decision will be communicated, together with details of any further recourse that is available via this procedure or the Office of the Independent Adjudicator for Higher Education.

Investigations will normally be conducted during semester time. If, in exceptional circumstances, the investigation of a complaint requires a student's attendance at Futureworks during the vacation period, reasonable out-of-pocket expenses will be reimbursed.

All action under this procedure will normally cease in the case of receipt of formal correspondence from a solicitor on behalf of the student, or on the instigation of legal proceedings against Futureworks in relation to the matters complained about.

7. TIME LIMITS

Stage 1 – Informal Stage

Complaints should normally be raised with the member of staff whose actions have led to the student wishing to complain. This should happen immediately where possible, and normally not later than 10 working days after the incident giving rise to the complaint.

Stage 2 – Formal Stage

Stage 2 complaints should normally be lodged within 15 working days of the Stage 1 response or within 15 working days of the incident giving rise to the complaint, whichever is the later.

Stage 3 – Request for a review of the decision reached at Stage 2

Stage 3 requests for review should normally be lodged within 15 working days of the Stage 2 response from Futureworks.

Detailed procedures for each stage follow below, including the timescales for resolving complaints.

8. FORMER STUDENTS

Former students may complain within a reasonable time period. Normally, this will be within 3 calendar months of leaving Futureworks.

It is Futureworks' aim that all complaints are dealt with in a timely manner, and the timescales are set out in later sections of this procedure. Students will be informed if there are likely to be any delays in the process. We will make appropriate allowances for delays occasioned by exceptional circumstances on the part of students.

9. MONITORING THE PROCESS

The Quality Team will review all complaints and responses. A summary report of all complaints and responses will be reviewed annually by the Strategic Advisory Group. The summary report is designed to provide information to help with identifying improvements to policies, procedures or practices, and will not include the names of students, staff, or any other individuals involved in the complaint.

The procedure will also be reviewed annually by the Data & Compliance Unit.

10. PROCEDURE

10.1 Stage 1 – Informal Stage

It is anticipated that the majority of complaints will be resolved satisfactorily on an informal basis and close to their point of origin. However, we recognise that there may be exceptional circumstances where this is not appropriate, in particular where the issues are complex and require further investigation. In these circumstances a formal Stage 2 complaint should normally be made within 15 working days of the alleged incident or concern. You can seek advice from Student Services regarding whether your complaint should be taken straight to Stage 2.

In most cases therefore, you should make initial contact with the relevant member of staff who is responsible for dealing on a day-to-day basis with the matter being complained about. For example, if the complaint refers to an academic matter, the first point of contact should normally be the Module Tutor, Personal Tutor or Programme Leader. A complaint may also be informally raised with another senior member of staff such as a Head of School. Initial contact can also be by a spokesperson on behalf of a group (and at this stage of the procedure would not require a signed statement from the individuals concerned).

In order that a complaint can be dealt with effectively and efficiently, you should draw it to the attention of the relevant member of staff immediately, where possible, and normally not later than 10 working days after the incident giving rise to the complaint.

At this stage, the relevant member of staff will normally discuss the complaint with you and other persons involved and make any other enquiries as they see fit, to determine whether it can be resolved without recourse to the formal Stage 2.

A written record of the outcome will normally be sent to you within 10 working days. This will be notified to the Head of School/Department where the effectiveness of the School/Department could be improved, and may also be referred to in the event that the complaint is progressed to Stage 2. Where informal resolution is not appropriate or possible, you will be directed to the formal Stage 2, described below.

10.2 Stage 2 – Formal Stage

If, having pursued the matter informally, you are still dissatisfied, you may pursue the matter through the formal Stage 2 within 15 working days of the informal Stage 1 response being given.

We recognise that there may be circumstances where it is appropriate to progress directly to the formal Stage 2 of this procedure, in particular where the issues are complex and require further investigation. In these circumstances a formal Stage 2 complaint should normally be made within 15 working days of the alleged incident or concern.

Your complaint should be submitted in writing to the Head of Student Services using the Stage 2 Complaint Form. Where complaints are raised collectively at this stage, the complaint should include a signed statement from all parties confirming that they have been materially affected by the alleged incident and authorising Futureworks to correspond with a single named spokesperson.

The Stage 2 Complaint Form requires details of:

- the nature of the complaint;
- the informal steps taken to resolve it (or the reasons why informal steps have not been taken)
- a statement as to why you remain dissatisfied;
- the reasonable steps that you would wish to see taken to resolve the matter.

Appropriate evidence should be appended e.g. copies of relevant letters, e-mails, signed witness statements and any other supporting documentation.

The Head of Student Services will acknowledge your complaint and determine

- i. if it should be defined as a complaint or as an appeal. If it is defined as an appeal it will be dealt with under the Futureworks appeals procedure.
- ii. if it is eligible to proceed to the formal Stage 2 or
- iii. whether it should be dealt with at the informal Stage 1
- iv. whether it should be dealt with under a different procedure
- v. whether it should be rejected because it is submitted outside of the published timeframes without good reason.

If the complaint is eligible to proceed to the formal Stage 2, it will be passed to the relevant Head of School/Department to deal with. If the complaint is about the Head of School/Department or the Head of Student Services, it will be passed to the relevant Line Manager.

The Head of School/ Department will investigate the complaint. S/he will gather and consider any relevant evidence and may ask to meet with you, any person(s) named in the complaint and any other relevant parties.

The Head of School/ Department will ask to meet with you where s/he considers that it would be helpful, in particular, if it is a serious or complex case e.g. if it relates to the conduct of staff members or covers a number of different incidents.

If the Head of School/Department chooses not to have a meeting with you, you have the right to request a meeting with the Head of School/ Department if you so wish.

You may be accompanied by a friend or family member for support or by a member of the partner University Students Union. At the meeting you will be invited to present your case and will be given the opportunity to amplify your written case and to submit copies of any supporting evidence e.g. copies of e-mails. Your friend or family member may also speak at the meeting.

The aims of the meeting will be:

- To clarify the issues that are to be investigated within the scope of the Complaints Procedure
- To hear, examine and explore all available evidence relating to your complaint
- To clarify the reasonable measures that you would wish to see taken to resolve your complaint
- To identify, where appropriate, any immediate steps which should be taken to address your concerns
- To ensure that where appropriate, you are aware of relevant support services
- To clarify the process and the anticipated timescale for a written response and your right to request a review under Stage 3 if you are dissatisfied with the Stage 2 outcome

A formal record of the meeting will be taken and a copy will be sent to you within 5 working days with a request for you to sign and return the record with any comments. The formal record may be disclosed to any other person(s) named in the complaint or any other relevant parties.

It is our aim that complaints dealt with under Stage 2 will be resolved within 25 working days of the Stage 2 written complaint being received. You will be informed if there is likely to be any delay in the process. A written record of the outcome will be sent to you, and it will contain information of how to progress your complaint if you are dissatisfied with the outcome.

The nature and subject of your complaint will determine how it can be progressed after Stage 2. If a complaint is in relation to a matter which falls under the responsibility of Futureworks, then a complaint can be progressed under the Futureworks Stage 3 process. If our partner University has overall responsibility for the matter then it can be progressed under the University's Stage 3 process. The written outcome of the Stage 2 process will tell you which process you should use if you do wish to progress your claim further, and the Student Services team can offer you advice and support if you do wish to progress your complaint.

All formal Stage 2 complaints and responses will be monitored by the Quality Team.

10.3 Futureworks Stage 3 – Request for a review of the decision reached at Stage 2

If you are dissatisfied with the outcome at Stage 2, you may submit a request for a review of the decision under Stage 3 of the Complaints Procedure.

Stage 3 may only be invoked where the preceding Stage 2 has been completed. No new complaints may be introduced at Stage 3. The purpose of Stage 3 is to review the action(s) and decision(s) taken at the previous stage(s).

A request for a review should be submitted to the General Manager using the Stage 3 Complaint Form within 15 working days of the date of the Stage 2 response and must be based on one (or more) of the following grounds:

- a. That new evidence or circumstances have become known, which the student could not have reasonably made known at the time of the Stage 2 complaint
- b. That Stage 2 of this procedure was not conducted fairly and/or in accordance with due process, and this materially affected the outcome
- c. That the decision and outcome of the Stage 2 complaint were unreasonable in the light of the evidence provided

The Stage 3 Complaint Form requires details of:

- the nature of the complaint;
- the steps already taken to resolve it and a statement as to why you remain dissatisfied;
- the reasonable steps that you would wish to see taken to resolve the matter.

Appropriate evidence should be appended e.g. copies of relevant letters, e-mails, signed witness statements and any other supporting documentation.

The Stage 3 review will be carried out by a Complaint Review Panel (the Panel) comprising three members as follows:

- the General Manager, who shall act as Chair;
- a member of staff who is Head of School/Department who is not associated with the School/Department concerned;
- a student, who shall normally be an elected student representative.

Members of the Panel will have had no previous involvement in the complaint.

The Panel will review the case and may request further information from the student and/or Head of School/Department involved. The Panel will consider whether, in particular:

- the relevant procedures were followed at Stage 2;
- the outcome was reasonable in all the circumstances;
- clear reasons were given for the Stage 2 outcome;
- there are valid reasons for the late submission of new evidence.

The Panel will decide on the appropriate action of:

- i. Dismissing the request for a review
- ii. Convening a hearing to hear the case by the student and the response by the Head of School/Department
- iii. Upholding the request for a review and determining the outcome of the complaint, including any actions to be taken by the relevant School/Department
- iv. Referring all or part of the complaint back for reconsideration at Stage 2 by a different Head of School/Department

The decision and outcome of the Stage 3 complaint will be communicated by the Chair of the Panel to the student in writing, normally within 15 working days of receiving the request for a review.

10.4 Partner University Stage 3 – Review Stage

Where you have been informed that you can progress your complaint through Stage 3 with the partner University, this may only be invoked where the preceding Stage 2 has been completed. No new complaints may be introduced at Stage 3. The purpose of Stage 3 is to review the action(s) and decision(s) taken at the previous stage(s).

A request for a review should be submitted to the UCLan Complaint Liaison Officer using the Stage 3 Complaint Form within 15 working days of the date of the Stage 2 response and must be based on one (or more) of the following grounds:

- a) That new evidence or circumstances have become known, which the student could not have reasonably made known at the time of the Stage 2 complaint
- b) That Stage 2 of this procedure was not conducted fairly and/or in accordance with due process, and this materially affected the outcome
- c) That the decision and outcome of the Stage 2 complaint were unreasonable in the light of the evidence provided

The Stage 3 Complaint Form also requires details of:

- the nature of the complaint;
- the steps already taken to resolve it and a statement as to why you remain dissatisfied;
- the reasonable steps that you would wish to see taken to resolve the matter.

Appropriate evidence should be appended, e.g. copies of relevant letters, e-mails, signed witness statements and any other supporting documentation.

The Stage 3 review will be carried out by a Complaint Review Panel (the Panel) comprising three members as follows:

- the Vice-Chancellor's nominee who shall act as Chair;
- a member of staff who is Dean/Head of School or Director/Head of Service, who is not associated with the School/Department concerned;
- a student who shall normally be an elected member of the Students' Union.

Members of the Panel will have had no previous involvement in the complaint.

The Panel will review the case and may request further information from the student and/or Futureworks. The Panel will consider whether, in particular:

- the relevant procedures were followed at Stage 2;
- the outcome was reasonable in all the circumstances;
- clear reasons were given for the Stage 2 outcome;
- there are valid reasons for the late submission of new evidence.

The Panel will decide on the appropriate action of:

- i. Dismissing the request for a review
- ii. Convening a hearing to hear the case by the student and the response by the Head of School/Department
- iii. Upholding the request for a review and determining the outcome of the complaint, including any actions to be taken by the relevant School/Department
- iv. Referring all or part of the complaint back for reconsideration at Stage 2 by a different Head of School/Department

The decision and outcome of the Stage 3 complaint will be communicated by the Chair of the Panel to the student and Futureworks in writing, normally within 15 working days of receiving the request for a review.

11. INDEPENDENT REVIEW

A Completion of Procedures letter will be issued within 5 working days of the decision and outcome of the Stage 3 Review. This will state that in the event of dissatisfaction with the Stage 3 outcome, you are entitled to pursue the matter further by submitting a Scheme Application form to the Office of the Independent Adjudicator for Higher Education (OIA). A Scheme Application form must be submitted within 12 months of the date of the Completion of Procedures Letter. You can check whether your complaint is eligible under the rules of the OIA by visiting <http://www.oiahe.org.uk>.

12. FURTHER INFORMATION

The Complaint Forms for Stage 2 and Stage 3 complaints are available from the Student Services office or can be downloaded from the VLE.

The Student Services team are available to provide you with further information and guide you through the complaints process. You can contact them at student.services@futureworks.co.uk or on 0161 214 4610. Alternatively you can stop by their office on the third floor next to the LRC.

You can also access advice and support from the partner University Students Union at <http://www.uclansu.co.uk/advice>

Stage 2 complaint forms should be submitted at the Student Services office, for the attention of the Head of Student Services. Alternatively they can be sent to:

Head of Student Services
Futureworks
Riverside
New Bailey Street
Manchester
M3 5FS

Futureworks Stage 3 complaint forms should be submitted at the Student Services office, for the attention of the General Manager. Alternatively they can be sent to:

General Manager
Futureworks
Riverside
New Bailey Street
Manchester
M3 5FS

Partner University Stage 3 complaint forms should be sent to:

Complaint Liaison Officers
Student and Academic Support Service
University of Central Lancashire
Foster Building
Preston Campus
Preston
PR1 2HE

Useful Web-sites:

Student Services support: <http://my.futureworks.co.uk/login/index.php>

Students' Union Advice and Representation Centre: www.uclansu.co.uk/advice

Student Support and Wellbeing, including Counselling Service: <https://www.uclan.ac.uk/students/>

Office of the Independent Adjudicator for Higher Education: <http://www.oiahe.org.uk/>

APPENDIX ONE

Notes of Guidance on the Conduct of a Stage 2 Complaint Hearing

1. Purpose

In very serious or complex cases the Head of Student Services may decide to convene a Complaints Panel to hear the complaint at Stage 2 of the Procedure.

This will involve hearing the case by the student and the response from the Head of School/Department.

2. The Complaints Panel

The Head of Student Services shall appoint a Complaints Panel (the Panel) comprising:

- (i) The Head of Student Services (Chair)
- (ii) A member of staff who is a Head of School/Department who is not associated with the School or Department concerned
- (iii) A student member: normally an elected student representative

No member of the Panel shall have been previously associated with the complaint.

3. Notice of a Stage 2 Complaint Hearing

The student will be given 15 working days' notice of the hearing date and will be notified of his/her right to be accompanied by a friend or family member or a member of the partner University Students' Union.

The student will be invited to submit a one page summary/chronology of the complaint and any further documents on which he or she relies, including witness statements, by no less than 7 working days before the hearing. The relevant Head of School/Department (or if the complaint is about the Head of School/Department, the relevant Line Manager) will prepare a response to the complaint, including any documents upon which he or she seeks to rely, and will forward this to the Student Services Officer. The Student Services Officer will circulate copies of all documentation to the Panel and both parties not less than 3 working days before the hearing.

Where the complaint is about a member of staff, the response of the member of staff may be included in the documentation and/or incorporated in the response of the Head of School/Department.

4. Conduct of a Stage 2 Complaint Hearing

The following procedure will normally apply at a Stage 2 hearing:

- (i) The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing
- (ii) The student and/or the accompanying person will present the complaint
- (iii) The Panel and the Head of School/Department will have the opportunity to question the student
- (iv) The Head of School/Department will present the response.
- (v) The Panel and the student and/or accompanying person will have the opportunity to question the Head of School/Department.
- (vi) The Panel may ask questions of either party at any stage during the hearing.
- (vii) Summing up by the student (or accompanying person).
- (viii) Summing up by the Head of School/Department.
- (ix) The Panel may, at its discretion, depart from the normal procedure, if it appears to be in the interest of fairness to do so.
- (x) The Panel may: retire to consider its decision; or seek further information; and/or adjourn to a later date.

The Student Services Officer will act as reporting officer to the Panel.

5. Documentation and Witnesses

The Panel may request additional documentation from either party either before or at the hearing.

Otherwise additional documentary evidence, other than that which was submitted by the student and that included in the evidence prepared by the Head of School/Department as detailed above, will be admitted only at the discretion of the Panel.

The student and the Head of School/Department are entitled to submit any statements by witnesses in writing. Witnesses may be invited to give evidence in person at the discretion of the Panel.

6. Conclusion

The Panel may decide:

- (i) That the complaint is justified in full or in part and that the School/Department should implement recommendations; or
- (ii) That the complaint should be rejected

The Panel may also recommend any changes to Futureworks policies and procedures.

Any conclusions or recommendations will be communicated by the Chair of the Panel to the student and the Head of School/Department in writing, normally within 5 working days of the hearing.

APPENDIX TWO

Notes of Guidance on the Conduct of a Stage 3 Complaint Review Hearing

1. Purpose

Stage 3 reviews will be carried out by a Complaint Review Panel (the Panel) comprising three members as follows: the General Manager who shall act as Chair; a member of staff who is Head of School/Department who is not associated with the School/Department concerned; a student who shall normally be an elected student representative. Members of the Panel will have had no previous involvement in the complaint.

The initial review may convene a hearing to hear the case by the student and the response by the Head of School/Department, this hearing will typically follow the process detailed below.

2. The Complaints Panel

The General Manager shall appoint a Complaints Review Panel (the Panel) comprising:

- (iv) The General Manager (Chair)
- (v) A member of staff who is a Head of School/Department who is not associated with the School or Department concerned
- (vi) A student member: normally an elected student representative

No member of the Panel shall have been previously associated with the complaint.

3. Notice of a Stage 3 Complaint Review Hearing

The student will be given 15 working days' notice of the hearing date and will be notified of his/her right to be accompanied by a friend or family member or a member of the partner University Students' Union.

The student will be invited to submit a one page summary/chronology of the complaint and why they are dissatisfied with the Stage 2 outcome. They should submit any further documents on which he or she relies, including witness statements, by no less than 7 working days before the hearing. The relevant Head of School/Department (or if the complaint is about the Head of School/Department, the relevant Line Manager) will prepare a response to this, including any documents upon which he or she seeks to rely, and will forward this to the Student Services Officer. The Student Services Officer will circulate copies of all documentation to the Panel and both parties not less than 3 working days before the hearing.

Where the complaint is about a member of staff, the response of the member of staff may be included in the documentation and/or incorporated in the response of the Head of School/Department.

4. Conduct of a Stage 3 Complaint Review Hearing

The following procedure will normally apply at a Stage 3 hearing:

- (xi) The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing
- (xii) The student and/or accompanying person will present the complaint and their reasoning as to why they are dissatisfied with the Stage 2 outcome
- (xiii) The Panel and the Head of School/Department will have the opportunity to question the student
- (xiv) The Head of School/Department will present the response.
- (xv) The Panel and the student (or representative) will have the opportunity to question the Head of School/Department.
- (xvi) The Panel may ask questions of either party at any stage during the hearing.
- (xvii) Summing up by the student (or representative).
- (xviii) Summing up by the Head of School/Department.
- (xix) The Panel may, at its discretion, depart from the normal procedure, if it appears to be in the interest of fairness to do so.
- (xx) The Panel may: retire to consider its decision; or seek further information; and/or adjourn to a later date.

The Student Services Officer will act as reporting officer to the Panel.

5. Documentation and Witnesses

The Panel may request additional documentation from either party either before or at the hearing.

Otherwise additional documentary evidence, other than that which was submitted by the student and that included in the evidence prepared by the Head of School/Department as detailed above, will be admitted only at the discretion of the Panel.

The student and the Head of School/Department are entitled to submit any statements by witnesses in writing. Witnesses may be invited to give evidence in person at the discretion of the Panel.

6. Conclusion

The Panel may decide:

- (i) That the complaint is justified in full or in part and that the School/Department should implement recommendations; or
- (ii) That the complaint should be rejected

The Panel may also recommend any changes to Futureworks policies and procedures.

Any conclusions or recommendations will be communicated by the Chair of the Panel to the student and the Head of School/Department in writing, normally within 5 working days of the hearing.

APPENDIX THREE

Vexatious, malicious or frivolous complaints

Futureworks may decline to deal with complaints which are vexatious, malicious or frivolous. The General Manager will judge if a complaint falls into this category.

A complaint may be considered to be vexatious when it may or may not be the latest in a series of complaints and it:

- Clearly does not have any serious purpose or value
- Is designed to cause disruption or annoyance
- May give rise to disproportionate inconvenience or expense
- Has the effect of harassing Futureworks and/or its staff
- Can otherwise fairly be characterised as obsessive or manifestly unreasonable

A complaint may be considered to be malicious where:

- There is evidence of intention to do harm or mischief
- It is reasonable to assume that the complainant intended to do harm or mischief
- Malice may be implied, eg where it is clear that no redress is sought

A complaint may be considered to be frivolous where:

- It is clear that is not serious or sensible in content, attitude or behaviour
- There is an absence of clear desire for a sensible or reasonable form of redress

Where there is reason to believe that a complaint is vexatious, malicious or frivolous, the matter will be referred to the General Manager who may decide to reject the complaint without full consideration of its merits. Reasons will be given as to why the complaint is considered to be an abuse of process.

The student may appeal against a decision to reject his or her complaint as an abuse of process by writing to the Managing Director within 5 working days of the decision. The Managing Director will consider the appeal and will notify the student of his or her decision within 15 working days. If the original decision is upheld, a Completion of Procedures letter will be issued.

Students should also note Appendix four, which sets out Futureworks' approach when dealing with unacceptable behaviour by a complainant.

APPENDIX FOUR

Policy on Unacceptable Complainant Behaviour

1. This Policy sets out Futureworks' approach to the relatively few complainants whose actions or behaviour it considers to be unacceptable. The term complainant includes any person acting on behalf of a student or who contacts Futureworks in connection with a complaint.
2. Futureworks understands that making a complaint can be a stressful experience for students, however, we also have a duty to ensure the safety and welfare of our staff.
3. Futureworks is committed to dealing with all complainants fairly and impartially and to providing a high quality service, but we do not expect staff to tolerate behaviour which we consider to be unacceptable, for example, any communication which is:
 - Abusive, offensive, defamatory or distressing
 - Aggressive, threatening, coercive or intimidating
 - Unreasonably persistent or demanding
4. Futureworks will take action to protect staff from such behaviour, and this may include action under the partner University's Regulations for the Conduct of Students.
5. Complainants can contact Futureworks by letter, e-mail or telephone. We cannot correspond with anyone who is not confirmed in writing by the complainant as the representative of the complainant.
6. When Futureworks considers that the behaviour of a complainant is unacceptable, we will tell them why we find their behaviour unacceptable and we will ask them to change it. If the unacceptable behaviour continues, the General Manager may impose conditions on their contact with Futureworks staff and/or students, on access to facilities, or other appropriate conditions regarding the complainant's continuance at Futureworks.
7. Any conditions imposed by the General Manager under clause (6) above will be appropriate and proportionate. Futureworks will take account of any reasonable adjustments as a consequence of any declared disability. The options which will be considered are:
 - Asking the complainant to enter into an agreement about their conduct
 - Requesting contact in a particular form eg letters only
 - Requiring contact to take place with a named person
 - Restricting telephone calls to specified days and times
 - Asking the complainant to appoint a representative to correspond with us
 - In exceptional circumstances, invoking the procedures for malicious, vexatious or frivolous complaints as set out in the Complaints Procedure.
8. We will write to tell the complainant why we believe their behaviour is unacceptable, what action we are taking and the duration of that action.
9. Where a complainant behaves unacceptably during a telephone conversation, we may as a last resort terminate the call.

10. Where a complainant continues to behave in a way which we consider to be unacceptable, we may decide to terminate contact with them. This may mean that we will not continue with the handling of their complaint.
11. Where the behaviour threatens the safety and welfare of Futureworks staff and/or students, we will consider other options, e.g. action under the partner University's Regulations for the Conduct of Students (including suspension from the campus), reporting the matter to the police, and/or taking other legal action.
12. This Policy and its implementation will be reviewed annually by the Data and Compliance Unit.