



**London
South Bank
University**

EST 1892

Student Halls of Residence Complaints Procedure

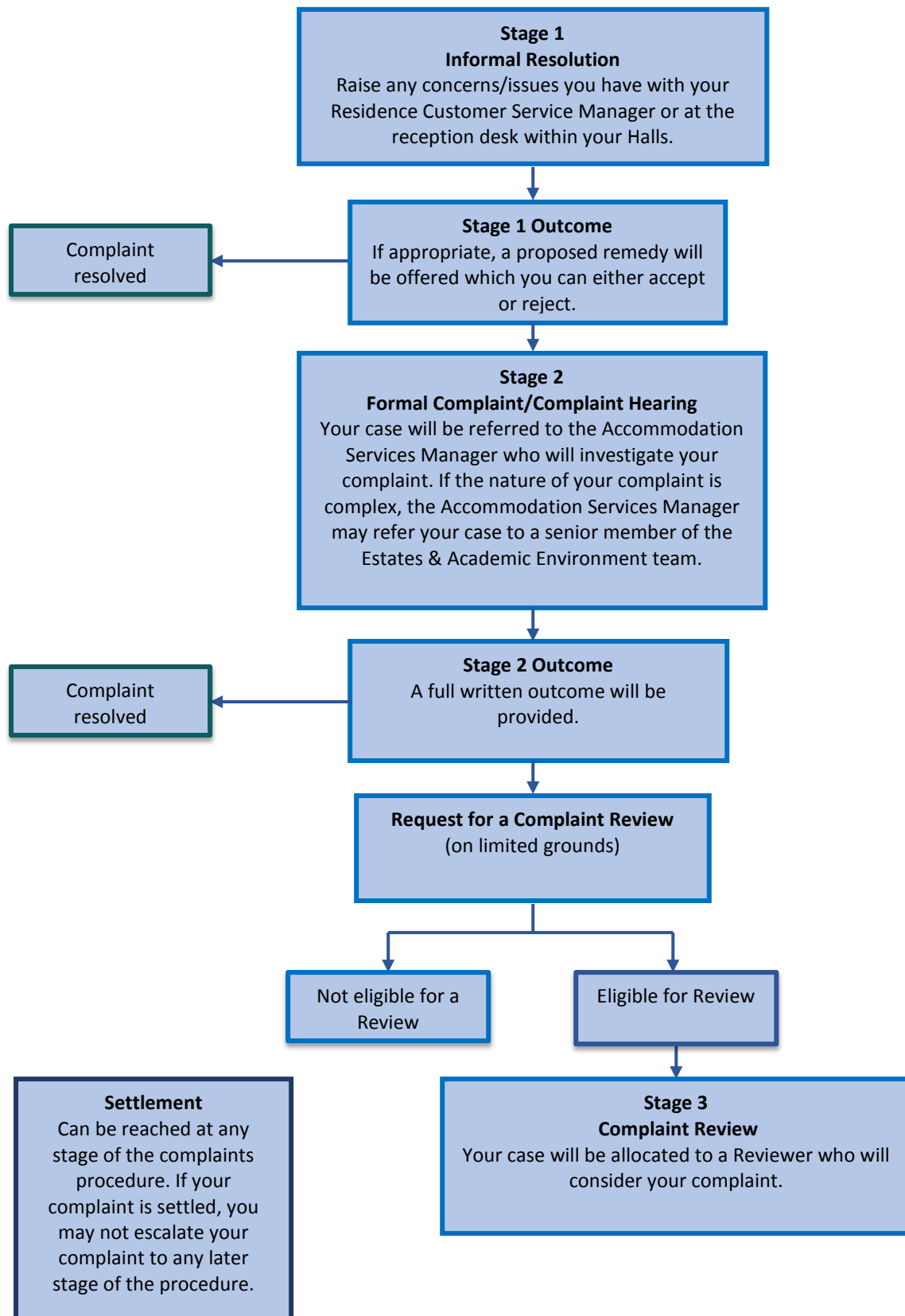
Policy last reviewed	January 2019
Approved by	the Quality and Standards Committee
Published on	LSBU website, under About Us -> Policies and Procedures->Student Complaints -> Student Halls of Residence Complaints procedure tab and MyLSBU

This procedure is available in accessible formats on request from the Accommodation Team. Please contact: accommodation@lsbu.ac.uk

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Student Halls of Residence Complaints Flowchart



Student Halls of Residence Complaints Procedure

In an emergency

In an emergency situation where it is believed that a person's health or wellbeing presents an immediate risk to themselves or others call the appropriate Emergency Services: 999 (and inform the University on ext. 6666) or call the University's emergency number: 0207 815 6666 (who will call 999).

LSBU emergency – t: 0207 815 6666 (ext. 6666) or 999

If you need to report sexual misconduct or a hate incident that you have either witnessed or experienced, please do so via the following link:

<https://my.lsbu.ac.uk/my/portal/Student-Life-Centre/Mental-Health-Well-Being/Be-safe-at-LSBU>

1 Introduction

- 1.1 We are committed to offering an exceptional student experience to all of our halls residents during their stay in Halls. With over 1400 student bed spaces we recognise that it is inevitable that on occasion a complaint may arise and we welcome comments and feedback as a means of improving the service to our residents.
- 1.2 This Student Halls of Residence Complaints Procedure is based on the principles of fairness and transparency. The aim is to ensure that:
 - complaints are dealt with as quickly as possible;
 - the processes and the reasons behind decisions are clear;
 - and that our students are supported throughout the procedure.
- 1.3 Our owned and managed residences comply with the regulations set by the Universities UK Code of Practice. Follow this link for more information regarding the Universities UK [Accommodation Code of Practice](https://www.universitiesuk.ac.uk/accommodationcodeofpractice) for University Halls of Residence (in England and Wales).
<https://www.universitiesuk.ac.uk/accommodationcodeofpractice>

2 Scope

- 2.1 This procedure applies to complaints about student accommodation and/or your experience of the University Halls of Residence.

- 2.2 A complaint is an expression of dissatisfaction by one or more students about the University's action, inaction or standards of service, within our halls of residents, which the student(s) have not been able to resolve through informal processes.
- 2.3 This procedure should not be used to address maintenance problems that may occur to your room, flat or any parts of the residence building. Should you encounter a maintenance problem during your tenancy, please report this to the reception desk and a maintenance operative will be scheduled to attend.
- 2.4 This procedure will explain:
- a) how you should make a complaint should one arise;
 - b) how we will deal with your complaint; and
 - c) what to do if you are not happy with our response at each stage.

3 Responsibility

- 3.1 The Deputy Vice-Chancellor Education ("**DVC Education**") has overall responsibility for this procedure but has delegated day-to-day responsibility for overseeing its implementation to the Head of Student Accommodation. All relevant staff have been made aware of the procedure and have received appropriate training.
- 3.2 This procedure will be reviewed from time to time (and at least every two years) by the Student Accommodation team and the University Solicitor to ensure that its provisions continue to meet our legal obligations and reflect best practice.

4 When can you make a complaint?

- 4.1 This procedure consists of three stages described below. You can make a complaint about an issue or event(s) which occur(s) while you are a resident in the University's Halls of Residence. You must submit a complaint about an issue you may have as soon as possible and, in any event, you must make it no later than 4 weeks after the issue/event occurs. We will exercise discretion where there is good reason, supported by evidence, for any complaints made outside of this period. Such good reasons may be: a serious illness, a disability (provided the disability affected your ability to submit a complaint with the prescribed time), bereavement or childbirth.

5 Group complaint

- 5.1 Where the issues raised in a complaint affect a number of students, those students can submit a complaint as a 'group complaint'. In such

circumstances, in order to manage the progression of the complaint, the members of the group should nominate one student to act on their behalf as a group representative. The University will normally deal with this representative only, and expects the representative to liaise with the other students in the group complaint.

- 5.2 Each member of the group must provide to the University:
- a) express written consent for the representative to deal with the complaint on their behalf; and
 - b) evidence to demonstrate how they have been affected by the matter that is the subject of the complaint.
- 5.3 All evidence submitted to support the complaint must be agreed between the group representative and the members of the group and submitted with the complaint submission.
- 5.4 The University reserves the right to refuse to accept or to progress group complaints where it concludes that there is insufficient common ground between the members of the group because for example the facts do not apply to all members of the group and the complaint cannot reasonably be investigated collectively or the remedy sought is not appropriate for all members of the group. Separate complaints may, in those circumstances, be submitted and considered in respect of the relevant individuals.

6 Third party complaints

- 6.1 The University will only accept a complaint on behalf of a student from a Students' Union representative, parent or other third party if the student's written authority for them to act on the student's behalf is provided with the complaint.

7 Anonymous complaints

- 7.1 Normally, anonymous complaints will not be considered. Exceptionally, however, an anonymous complaint may be considered when the University concludes that there is a compelling case – supported by evidence – for the matter to be investigated and an investigation is not prejudiced by the anonymity of the complainant.

8 Complaints which are related to matters subject to a police investigation

- 8.1 If the issues(s) or event(s) triggering the complaint are the subject of, or related to, a police investigation, the University may suspend its Student Halls of Residence complaints process pending the completion of that investigation and where appropriate any criminal proceedings,

or may continue in parallel. This will be decided on a case by case basis and, where appropriate, in dialogue with the police and University Solicitor.

9 Evidence

- 9.1 Students using this procedure must support their complaint with robust evidence. For example, emails, meeting and telephone attendance notes, and photographs can help us investigate your complaint more effectively.

10 Protocol on confidentiality

- 10.1 University staff will handle complaints with an appropriate level of confidentiality and release information only to those who need it for the purposes of investigating or responding to it:
- 10.2 Details of any complaint about another student or members of staff will be shared with them, so that they can respond to any allegations made against them.
- 10.3 Anyone making a complaint is expected to maintain confidentiality and avoid publishing to third parties, either on social media or by other means, any correspondence about the complaint between the complainant and the University or any other University correspondence which is part of the complaint.
- 10.4 We will share the details of the complaint outcome with the relevant School and/or Professional Services Groups.

11 Use of data from complaints

- 11.1 To help us continually improve our accommodation services, all complaints will be logged onto the Student Accommodation Management system.
- 11.2 The University will collect data on complaint outcomes at each stage of this procedure and any complaints submitted by you to any regulators (including the OIA), and use the data:
- a) internally for reporting, evaluating, learning and training; and
 - b) externally for discussions with regulators in the higher education sector.
- 11.3 We will use the data for the purposes set out in paragraphs 11.1 and 11.2 without identifying complainants where possible. Your personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the

University's members of staff and regulators only for the purpose of dealing with your complaint, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

12 Good conduct

12.1 Students using this procedure are expected to act professionally, reasonably and fairly towards University staff, and in particular to refrain from conduct which is abusive, aggressive or otherwise required action under the Student Disciplinary Procedure.

13 Frivolous or vexatious complaints

13.1 If we believe that your complaint is frivolous or vexatious, we reserve the right to terminate our investigation of your complaint. A complaint will be deemed vexatious or frivolous if it is:

- a) obsessive, harassing, or repetitive;
- b) insistent on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes;
- c) insistent on pursuing what may be meritorious complaints in an unreasonable manner;
- d) designed to cause disruption or annoyance; and/or
- e) demanding for redress which lacks any serious purpose or value.

13.2 In such cases, the University will write to you explaining why we are terminating consideration of your complaint. If you want to challenge this decision, you must set out your reasons and submit them together with any supporting evidence in writing to the Executive Director of Estates & Academic Environment within ten working days of the date of the University's letter. The Executive Director of Estates & Academic Environment will inform you of the outcome of your challenge within ten working days of receiving it.

13.3 While you will not be disadvantaged as a result of making a complaint, the University may consider referring you for disciplinary action where your complaint is vexatious.

14 How to use this procedure

14.1 This procedure consists of three stages described below. The purpose of the procedure is to resolve complaints at the earliest possible stage, and, where appropriate, to implement remedies promptly.

- 14.2 Our aim is to complete the University's internal Student Halls of Residence Complaints process within 90 days of the complaint being submitted at Stage 2. This 90 day timeframe requires you to engage with the Student Halls of Residence Complaints Procedure, meet all of the University's deadlines for submission of materials, and/or attend meetings (where required) at each stage of the process.

15 Stage 1: Informal complaint

- 15.1 Most informal complaints can be resolved locally. In the first instance you should discuss your issue with Residence Customer Service Manager or at the reception desk within your Halls. If it is not possible for you to do this in person then please use one of the contact methods as stated below:

McLaren House Reception – 1 St George's Circus, London, SE1 0AP
Telephone number: 0207 815 7360 Email: mclaren@lsbu.ac.uk

Dante Road Reception – 2 Dante Place, London, SE11 4RX
Telephone number: 0207 820 8052 Email: dante@lsbu.ac.uk

David Bomberg House Reception – 282-302 Borough Road High Street, London, SE1 1JJ Telephone number: 0207 815 7380 Email: bomberg@lsbu.ac.uk

New Kent Road Reception – 83 New Kent Road, London, SE1 6RD
Telephone number: 0207 407 9174 Email: newkent@lsbu.ac.uk

Accommodation service – 103 Borough Road, London SE1 0AA
Telephone number: 0207 815 6417/6412/6424 Email: accommodation@lsbu.ac.uk

- 15.2 We will normally provide you with a response in relation to Stage 1 within ten working days from receipt of the complaint. We reserve the right to extend the period we need for response during vacation periods. We aim to resolve informal complaints as quickly as possible and any delays in the resolution will be clearly communicated to you.
- 15.3 Depending on the nature of your complaint, the outcome of Stage 1 will be communicated to you either verbally or in writing. We will inform you of the decision made, details of this decision, details of any remedies that have been proposed to you in order to resolve your complaint and information on how to progress your complaint to the next stage where necessary.

16 Stage 2: Formal complaint

- 16.1 If you are dissatisfied with the outcome of Stage 1, you have two weeks from the date of the Stage 1 outcome in which to escalate matters to Stage 2 formal complaint.
- 16.2 If you want to submit a complaint at Stage 2, please email your complaint and any supporting documents to accommodation@lsbu.ac.uk. We will normally acknowledge receipt of your complaint within 48 hours of your submission, excluding weekends, public holidays and any official University holiday or closure period.
- 16.3 An investigation into your complaint will take place by the Accommodation Services Manager who will not have had any previous material involvement in the case. They will investigate your complaint, as s/he considers appropriate to establish all the facts relevant to the points made in your complaint. This may involve interviewing you and any witnesses if appropriate, liaising with your School or relevant departments and reviewing any evidence presented by you and the University before issuing you with a response. Alternatively, if the nature of your complaint is complex, your complaint may be referred to a senior member of the Estates & Academic Environment team who has had no previous involvement in the matter.
- 16.4 When a complaint relates to a specific member of staff, those staff shall have the right to see copies of relevant documentation in order to present evidence to the Accommodation Services Manager and to be informed of the outcome of the complaint. We reserve the right to maintain confidentiality in relation to staff disciplinary matters.
- 16.5 A full written complaint outcome response will be sent to you within ten days of receipt of the Stage 2 complaint submission. If this deadline is not practical, in particular if this is due to the nature of the complaint, we will contact you to explain the delay and set a new deadline for our Stage 2 response. The outcome will outline the reasons for each decision and the right (on limited grounds) to a review at Stage 3.

17 Stage 3: Complaint review

- 17.1. If you are dissatisfied with the outcome of Stage 2 on the grounds stated below, you have one month to request a Stage 3 Review by submitting a request to the Head of Student Accommodation at hallscomplaintsreview@lsbu.ac.uk and stating "Stage 3 Review Request", together with your full name and student number in the subject section of your email. We will normally acknowledge your request within five working days of receiving it.
- 17.2 Requests for Complaint Review will be granted on limited grounds, namely:

- a) there was a procedural irregularity at the formal stage (e.g. there was a material failure by the University to follow the complaints procedure at Stage 2, clear reasons were not provided for the decision at Stage 2, or there is evidence of bias);
 - b) the stage 2 outcome was not reasonable in all the circumstances (i.e. no reasonable decision-maker, properly directing him/her/itself and taking into account the relevant facts, could have reached that decision);
 - c) new material evidence which the student was unable, for good reasons, to provide earlier in the process.
- 17.3 You should set out your concerns clearly and succinctly and provide evidence in support (where possible). You must explain how the response received at Stage 2 falls within one or more of the grounds set out above in paragraph 17.2 and outline what we should do to resolve the complaint.
- 17.4 The Head of Student Accommodation with no prior involvement in the matter will make a decision as to whether your request for a review at Stage 3 is based on the permitted grounds and hence eligible to be considered at Stage 3 and will notify you within 5 working days of receiving the request.
- 17.5 If it is believed that the grounds are not satisfied, you will be informed of the decision and we will send you a Completion of Procedures letter (a "COP") confirming the closure of your matter and university processes within 28 days of the decision not to progress your matter to Stage 3.
- 17.6 If we believe that one or more of the grounds for review apply to your case, we will allocate the Review to a senior member of staff not previously involved in Stages 1 or 2 of the complaint (the "Reviewer"). The Reviewer will review all information collated for the complaint, together with any new evidence presented, on paper but may contact you and anyone previously involved in the complaint as well as any new witnesses.
- 17.7 The purpose of conducting a complaint Review is to consider whether the ground(s) relied on by you have merit. Stage 3 will not usually involve a fresh, full investigation. A complaint must have been considered at formal Stage 2 before it can be escalated to Stage 3 review.
- 17.8 The outcome of Review will be that the Reviewer either upholds the outcome made at the formal stage, or makes a different finding which overturns the outcome. The decision taken by the Reviewer at the Review stage is final. If the outcome of Review is favourable to you, it will be communicated to you by letter within 28 days of the Review outcome being made. You can, however, request the University to

provide a Completion of Procedures letter (a “COP”) within 20 days of the date of the outcome letter if you still remain dissatisfied. The COP letter signifies that all internal University student complaint procedures have been exhausted and will explain how to take things further should you wish to do so and, if applicable, how and when we will implement the remedy. Where such a request is made, a COP will be provided within 14 days of the request. If the outcome of the complaint process is unfavourable to you, the outcome will be communicated by a COP automatically within 28 days of a Review outcome being made. If the deadlines are not deliverable, we will contact you to explain the delay and set a new deadline for our response. We reserve the right to extend the time we need for response during vacation periods.

18 Settlements

18.1 A settlement of a complaint can be reached at any stage of the procedure. If your complaint is settled, you may not escalate your complaint to any later stage of the procedure.

19 Independent external review

19.1 Office of the Independent Adjudicator

Once Stage 3 has been completed, and within twelve months of the date of your Completion of Procedures letter, you are entitled to ask the Office of the Independent Adjudicator to review the University’s handling of your complaint under this procedure.