

STUDENT COMPLAINTS PROCEDURE (FCA REGULATED ACTIVITIES)

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1. OVERVIEW OF THE STUDENT COMPLAINTS PROCEDURE (FCA REGULATED ACTIVITIES)

Your experience at the University of Westminster (“the University”) is of paramount importance to us and we are committed to providing a high quality of service at all times and in all areas and activities. However, if you ever feel that the quality of academic or service delivery falls short of what may reasonably be expected, the student complaints procedures detail how best to raise and resolve issues.

Any complaints or concerns you raise will be treated sensitively and, wherever possible, we will try to deal with complaints informally and quickly between the parties concerned. We are committed to ensuring equality of opportunity for disabled students, so if you have a disability, we will take this into account when applying these policies and procedures and will make reasonable adjustments to them as appropriate.

It is important to note that the University distinguishes between complaints, academic appeals and complaints relating to consumer credit activities regulated by the Financial Conduct Authority (“regulated activities”). There are separate procedures attached to each.

This procedure applies only to complaints relating to regulated activities. For procedures relating to complaints or academic appeals please refer to the Student Complaints Procedure, available at westminster.ac.uk/study/current-students/your-studies/forms-and-procedures/complaints.

WHAT ARE FCA REGULATED ACTIVITIES?

The Financial Conduct Authority (“FCA”) is the regulator for consumer credit firms and firms that undertake consumer credit activities as part of a wider business. Regulated activities include, for example, credit cards, loans, repayment problems and debt collection.

Firms carrying out regulated activities must follow certain rules about how they manage their businesses and treat their customers.

The University is authorised by the FCA for two regulated activities: debt advice and instalment credit.

If your complaint is not specifically about debt advice or instalment credit, please do not use this procedure but use the standard student complaints procedure instead.

WHAT IS A COMPLAINT?

A complaint is any expression of dissatisfaction with the standard of services provided by the University, or with the actions or lack of actions by the University or its staff. Any complaint against a named individual will be addressed as a complaint against the University.

Grounds for complaint under this procedure might include:

- Failure on the part of the University to meet stated timescales (e.g. in responding to emails, contacting you with further information or offering an appointment)
- Inappropriate or incorrect information or advice given in response to your query or problem
- Inappropriate conduct by staff

WHO CAN MAKE A COMPLAINT?

The Student Complaints Procedure (FCA Regulated Activities) applies to all enrolled students studying on a University of Westminster Course on a University Campus in London, and all students who have left the University, who have a complaint which arises from matters relevant to one or both regulated activities (debt advice and/or instalment credit).

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If you are currently studying at the University and wish to make a complaint through this procedure, you must do so **within ninety days** of the issue or problem arising. If you are a student who has left the University, you may use this complaints procedure for **up to ninety days** following the notification of final assessment results or, where applicable, the confirmation of the date of withdrawal. Please note that the University will only accept a complaint outside of the ninety day period where there are exceptional circumstances that prevent you from making a complaint during the specified period.

At all levels of the internal complaint process we would expect you to submit the complaint yourself; however, a complaint may be brought on your behalf (or on behalf of a deceased person who would have been an eligible complainant) by a person authorised by you or authorised by law. Anonymous complaints will not be investigated under this complaints procedure.

HOW CAN I MAKE A COMPLAINT?

There are a number of ways to make your concerns heard and most problems can be resolved early on and informally with the relevant parties. Bear in mind that whatever your concern or complaint, it is important that you raise it with us promptly, so that it can be addressed and an appropriate solution found as soon as possible.

If you have a complaint about a regulated activity we recommend that, in the first instance, you raise this informally with an appropriate member of staff (Level 1 below). If the issue or problem cannot be resolved informally in this way, you will need to move to the formal stage of the complaints procedure summarised below.

At each level of the process, we will provide or confirm our response to you in writing (which may include emails).

An informal resolution can be agreed at any point and if you wish to withdraw your complaint or withdraw from the process, you may also do so at any time.

Level 1: Informal Resolution with parties concerned.

Level 2: Formal Complaint to the Director, Financial Services or the Director, Student Affairs (as appropriate) for investigation and decision.

At the end of Level 2, a Final Response Letter will be issued which summarises the outcome of your complaint.

Internal Review: Referral to the Registrar and Secretary.

External Review: Referral to the Ombudsman.

Important: Your complaint cannot be referred externally to the Ombudsman until you have been issued a Final Response Letter.

HOW LONG DOES IT TAKE TO HEAR THE OUTCOME OF A COMPLAINT?

The duration of the process depends on the level to which the complaint is escalated. A formal complaint should normally be dealt with within eight weeks of receipt, by which time we are required to send you either a final written response or a written explanation of why the University is not in a position to make a final response. In either case, you will be informed in our response that you may then refer your complaint to the Financial Ombudsman Service (see 'External Review' below). Please note that the eight week timescale does not include any time taken to conduct a review of the formal complaint decision (Internal Review) or for the Ombudsman to consider your complaint (External Review).

Important: To ensure that you receive all complaints-related correspondence sent to you, it is vital that the postal and email addresses you provide are up-to-date. We will assume that correspondence sent to the addresses provided has been received by you. While dealing with your case we will contact you at the email address you have given, unless otherwise requested.

WHAT ARE THE POSSIBLE OUTCOMES OF A FORMAL COMPLAINT?

The University may find that your complaint is not justified and that no further action is required. Your complaint may be either wholly or partially upheld, in which case the possible outcomes include:

- A formal apology
- Remedial action to be taken by the relevant individual(s) or area(s)
- Generic and specific training and development needs identified for University staff
- A policy review
- Payment for distress and inconvenience
- Goodwill payments and goodwill gestures
- Interest on delayed settlements
- Payments to put the student back into the position the student should have been in had the act or omission not occurred.

WHAT ARE THE OPTIONS IF THE UNIVERSITY REJECTS MY COMPLAINT OR I AM UNHAPPY WITH THE OUTCOME?

If the University rejects your complaint or you are unhappy with the outcome and you have already received the Final Response Letter, you may request that the Ombudsman reviews your case. The Ombudsman's decision will then be issued to the University for action or formal record as appropriate.

2. THE PROCEDURE

LEVEL 1: INFORMAL RESOLUTION

The easiest way to resolve an issue or problem is to approach those who are directly involved straight away. You may, for example, need to speak to one or more of the following:

- Student Advice Manager, if you have a complaint about the service you have received from Student Advice
- Finance Office, if you have a complaint concerning the Finance Department
- Students' Union, for advice and support on making an internal complaint
- Student Complaints and Liaison Manager, for information and guidance about the student complaints procedure

LEVEL 2: FORMAL COMPLAINT

If you cannot resolve your concerns informally (Level 1), you will need to complete the Formal Complaints Form and submit it to the Director, Student Affairs, who will acknowledge receipt of the form, in writing, within seven working days. The University will deem as formal only those complaints submitted on a fully completed Formal Complaints Form.

The complaint will be investigated by the Director, Financial Services or the Director, Student Affairs (as appropriate), who will seek to provide a written response to your complaint within 6 weeks of receipt, keeping you informed of any reason this deadline cannot be met. If the complaint concerns the Director, Financial Services or the Director, Student Affairs (as appropriate), the investigation will normally be handled by his/her line manager or nominee.

If your complaint refers to a named individual, s/he has the right to be informed and represented, and to respond before any conclusions are reached. The individual in question will be invited to submit a written statement and may be invited for an interview to discuss the complaint. You will have access to the statement provided by the individual in question and s/he will have access to your statements.

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When the investigation is concluded, you will be informed in writing of the outcome of your complaint. In this response, the University will:

- accept the complaint and, where appropriate, offer redress or remedial action; or
- offer redress or remedial action, without accepting the complaint; or
- reject the complaint and give reasons for doing so.

Note: Complex cases may take longer to investigate and timescales may also have to be extended during the vacation periods. You will be informed in writing, and within 4 weeks of receipt of your complaint, of the revised timeframe and the reasons that this is necessary. All reasonable steps will be taken to resolve cases with the minimum delay.

FINAL RESPONSE LETTER

You will automatically receive a Final Response Letter where the University has made its substantive decision. The letter will be issued by the Director, Student Affairs or Director, Financial Services, as appropriate, and will provide the reasons for the decision on the complaint.

INTERNAL REVIEW: REQUEST FOR A REVIEW OF THE FORMAL COMPLAINT DECISION

If your complaint is rejected, you have the right to ask for a review of the decision on one or more of the following grounds:

- The finding was manifestly against the weight of evidence
- A claim that the procedure has not been implemented properly
- There is significant new evidence or information which was unavailable at the previous stage.

The request for a review must be made in writing and within **ten working days of receiving the outcome of the formal complaint**. It should clearly state and explain fully the grounds upon which the request for a review is based. Please note that the University will only accept a request for review later than ten working days where there are exceptional circumstances that prevent you from submitting your request during the specified period.

The Registrar and Secretary will acknowledge receipt of your request for a review within ten working days and, in liaison with the Director, Student Affairs and/or Director, Financial Services (where appropriate), will aim to provide a response within 20 working days of receipt of the request.

The Registrar and Secretary or nominee will coordinate a full, fair and proportionate review of individual cases and pay attention to the seriousness of the complaint. The Registrar and Secretary may determine who - if anyone - will be interviewed during the course of the review and from whom any written submissions will be sought. If necessary, the case may be referred for review to more senior or expert members of staff. If the case involves the Registrar and Secretary, the case will be reconsidered by the designated senior manager.

The Registrar and Secretary or nominee may decide to uphold part but not all of the complaint; you will be informed of this in writing.

EXTERNAL REVIEW: REFERRAL TO THE FINANCIAL SERVICES OMBUDSMAN

The Financial Services Ombudsman ("the Ombudsman") was set up by Parliament in 2001 as the independent expert in settling complaints between consumers and businesses providing financial services. The job of the Ombudsman is to settle individual disputes without taking sides.

If you have received a final response letter and are dissatisfied with the outcome of your complaint, you have the right to refer your complaint to the Ombudsman, free of charge – but you must do so within **six months of the date of the Final Response Letter**.

If you do not refer your complaint in time, the Ombudsman will not have our permission to consider your complaint and so will only be able to do so in very limited circumstances. For example, if the Ombudsman believes that the delay was as a result of exceptional circumstances.

Information about the Ombudsman and its service is available at www.financial-ombudsman.org. The Financial Ombudsman service can be contacted for help and information on using their service. Contact details are available at www.financial-ombudsman.org.uk/contact/index.html.

ADDITIONAL NOTES FOR STUDENTS

RELATIONSHIP TO OTHER PROCEDURES

Issues covered by other specific University policies and procedures cannot be dealt with under the Student Complaints Procedure (FCA Regulated Activities). For example, if you have a complaint about the service you received from a University Cash Office you will need to submit a complaint under the Student Complaints Procedure. Some issues may be more appropriately pursued under the University's policies on Racial and Sexual Harassment or Equal Opportunities.

For information and guidance on University procedures, contact the Student Complaints and Liaison Manager by email at studentcomplaints@westminster.ac.uk. Details of University policies are available at www.westminster.ac.uk.

CONFIDENTIALITY AND DISCLOSURE

The information you provide in your complaint will be disclosed to others, so that the complaint can be properly considered. If necessary, the University will disclose information you provide to other individuals concerned, so that they might respond to any allegation. From the point at which you submit your complaint, it is assumed that you give your consent for this disclosure.

CONDUCT OF YOUR COMPLAINT

We expect you to use the established procedures and channels of communication to bring and resolve formal complaints. You can expect University staff involved in your complaint to assist in its resolution in an impartial, fair and polite manner. Whilst the University recognises that bringing a complaint can be a stressful experience for students, we ask that correspondence and other contact be in line with acceptable behaviour toward staff. What we consider unacceptable behaviour is outlined on the Student Code of Conduct, available at www.westminster.ac.uk/student-code-of-conduct

MALICIOUS OR VEXATIOUS COMPLAINTS

If you make a complaint without foundation and without the aim to resolve a genuine grievance then this may be considered to be a malicious complaint.

If you persist unreasonably with a complaint, your complaint may be deemed to be vexatious. A vexatious complaint may involve making serial complaints about different matters, or raising the same or similar issues repeatedly.

If your complaint is deemed to be malicious or vexatious you will receive a letter from the University informing you that all correspondence has been concluded. Complaints that are deemed to be malicious or vexatious may be subject to investigation under the University's Student Disciplinary Procedures, available at www.westminster.ac.uk/student-code-of-conduct.

STUDENTS IN PARTNER INSTITUTIONS

If you are a student who is enrolled on a University of Westminster degree at a Partner Institution, you will not have access to regulated activities at the University so this procedure will not apply.

If you have a complaint regarding regulated activities at a Partner Institution, you should raise any complaints through your institution's complaints procedures.