

Responsibility for Policy:	LJMU Head of Sport and Physical Activity
Relevant to:	All LJMU Sport and Physical Activity Department programme users
Approved by:	LJMU Sport Board
Responsibility for Document Review:	LJMU Sport and Physical Activity Operations Manager
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1. General Principles and Information

Liverpool John Moores University (LJMU) is committed to providing an environment that is conducive to study and provides academic and support services to facilitate the achievement of a user's target award. However, we recognise that from time-to-time users may wish to raise issues regarding the academic, administrative, support or other services provided by LJMU Sport and Physical Activity Department.

LJMU Sport and Physical Activity Department Complaints Form: <https://forms.office.com/r/YeMY7msg5d>

If you require this document in a different format, please contact active@ljmu.ac.uk

LJMU Sport and Physical Activity Department operates a 3 Stage Complaints Procedure: Stage 1 – Local Resolution, Stage 2 – Formal Complaint, Stage 3 – Final Internal Review

LJMU is committed to managing complaints in a way that:

- Is timely and efficient, to facilitate a speedy resolution
- Is fair and transparent to all parties
- Promotes informal conciliation such as mediation, where appropriate
- Promotes feedback and best practice to support Service teams and Faculties to enhance the user experience

The complaints procedure operates on the principles of natural justice:

- There are two sides to every dispute
- All parties are given the opportunity to provide evidence to substantiate their version of the issue / incident
- Full disclosure of any allegations or evidence will be made to those parties involved in the complaint
- All parties involved in a complaint have the right to be accompanied by a friend or representative at each stage of the procedure.

Users are expected to have met their obligations and responsibilities as users of LJMU Sport facilities with regard to:

- Meeting their academic commitments;
- Acting in accordance with University regulations;
- Behaving with consideration for other users and staff.

All complaints are taken seriously and users are not penalised for making a genuine complaint. Section 2 outlines the support services available for users who wish to pursue a complaint.

LJMU Sport and Physical Activity Department expects that users will not submit false statements, falsified evidence or frivolous or vexatious complaints. Examples of such complaints include:

- Complaints which contain false allegations or falsified evidence.

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- Complaints which are obsessive, harassing, or repetitive
- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes.
- Insistence on pursuing complaints in an unreasonable manner.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.

LJMU Sport and Physical Activity Department reserves the right to end consideration of a complaint if it is deemed frivolous, vexatious, or as defined in 1.7 above. The decision to end consideration of a complaint will be taken by the Head of Sport (or nominee). Users who do submit such complaints may be subject to Student Disciplinary proceedings.

All information provided regarding a complaint will remain confidential for use within the complaints process and is subject to the requirements of the Data Protection Act. Only those staff directly involved with the complaint will be given access to confidential information. In exceptional circumstances it may be necessary for LJMU Sport and Physical Activity Department to provide information to a third party with or without a user's consent. Examples of such exceptional circumstances are details in the Student Governance Confidentiality Statement available at <https://www.ljmu.ac.uk/about-us/public-information/student-regulations/guidance-policy-and-process>

Where more than one individual is named in a complaint, normally, those individuals will be party only to the matter(s) of complaint and outcome(s) that are directly specific to them.

Where the outcome of a Complaint investigation includes recommendations for consideration under Student Disciplinary procedures or Staff Management processes, the outcome of these processes will not normally be disclosed to the complainant.

User complaints provide an important source of information to LJMU Sport and Physical Activity Department; the department will collate statistical information and produce annual reports to ensure that relevant quality issues are identified and addressed appropriately.

The procedure is managed by the Sport and Physical Activity Department, part of the Student Experience team and is independent from LJMU Faculties and Schools.

The Complaints Policy can be obtained at via <https://www.ljmu.ac.uk/ljmusport/ljmu-sport-building>

Users who need specific assistance or reasonable adjustments made in order to access the Complaints Procedure should contact the Sport and Physical Activity Department. Telephone 0151 904 6550, Email activeljmu@ljmu.ac.uk

Advice and Support

Users can obtain advice relating to the complaints procedure from the Sport and Physical Activity Department. Telephone 0151 904 6550, Email activeljmu@ljmu.ac.uk

Student Advice and Wellbeing can also provide advice and support particularly in the areas of financial issues, disability, study support, accommodation, health, wellbeing and counselling [Health and wellbeing | Liverpool John Moores University \(ljmu.ac.uk\)](#)

Users can also obtain advice from the LJMU Equality and Diversity team via <https://www.ljmu.ac.uk/about-us/public-information/equality-and-diversity>

Who can complain?

This complaints procedure is open to all users of the programmes delivered or supported by the LJMU Sport and Physical Activity Department

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LJMU students studying on an LJMU validated programme at Collaborative Partner institutions are expected to access their local institution's Complaints Procedure in the first instance.

Complaints from applicants or complaints regarding the admissions process are not covered by this procedure, such complainants should visit <https://www.ljmu.ac.uk/forms/appeals>

Where a concern or issue of complaint has affected a number of users, those users can submit a complaint as a group complaint. In such circumstances, all complainants are required to put their name and signature on the statement of complaint to confirm that they agree to the details of the complaint. In order to manage the progression of the complaint, LJMU will usually request that one user is nominated as a group representative.

Anonymous complaints will not normally be accepted; complaints that are not made openly cannot be investigated in keeping with the principles of natural justice outlined in section 1.3. Exceptions to this may be made where the complaint raises serious issues of concern for the health and safety of users, staff and the general public.

Third Party complaints are not accepted, unless the third party is acting as the complainant user's representative and the user has authorised such representation in writing.

What is a Complaint?

LJMU recognises that from time to time users may wish to raise issues regarding the academic, administrative, support or other services provided by LJMU Sport and Physical Activity Department.

Examples of complaints include:

- Failure by LJMU Sport and Physical Activity Department to meet its obligations as advertised
- Misleading or incorrect information in documentation provided by LJMU.
- Concerns about the delivery of a programme, associated teaching or administration.
- Poor quality of facilities, learning resources or services provided directly by LJMU.
- The behaviour of a member of staff.
- The behaviour of another user.

Some issues may be more appropriately considered under alternative processes rather than the Complaints Procedure. For example, the following issues are not considered under the LJMU Student Complaints Procedure:

- Dissatisfaction with a decision made by an academic body (i.e. the Board of Examiners) regarding student progression, academic assessment and awards. These issues are considered under the Academic Appeals Procedure
- Dissatisfaction about the outcome of an academic misconduct process. These issues are considered under the Academic Misconduct Appeals Procedure
- Dissatisfaction with the outcome of other University processes, which have an appropriate avenue of appeal such as Student Discipline, Fitness to Practise, Criminal Convictions Procedures, Attendance Policy etc.
- Complaints from applicants to LJMU or complaints regarding the admissions process are considered under a separate Applicant Complaints Procedure
- Complaints relating to Accommodation issues in private Halls of Residence or other private accommodation should be directed to the Manager of the relevant Hall or the Landlord.
- Complaints about Liverpool John Moores Student Union are managed by the Liverpool John Moores Student Union
- Matters relating to external companies, such as the Student Loans Company, which have their own complaints procedures.

Student Governance and Liverpool John Moores Student Union can provide advice and guidance if users are unclear on which process they should access.

Where a student raises issues that do not fall neatly into the category of a single process, Student Governance will advise the student which specific issues will be considered under which specific procedure. Alternatively and dependent upon the circumstances, Student Governance may, with the agreement of the student, decide to consider matters together and conduct a collaborative investigation.

Where a student submits an Academic Appeal and a Formal Complaint at the same time (and where the substance of the Academic Appeal and the Formal Complaint refer to the same issues), LJMU Sport and Physical Activity Department will normally suspend consideration of the Academic Appeal until the complaint has been investigated. This is because the outcome of the complaint investigation may inform consideration of the appeal.

LJMU Sport and Physical Activity Department recognises that student complaints made about LJMU staff may refer to various issues, including complaints relating to assessment, feedback and academic related matters. Complaints may also refer to allegations about staff behaviour including bullying, harassment or discrimination.

Although LJMU Sport and Physical Activity Department encourages users to try to resolve any issues locally in the first instance, we recognise that where the complaint relates to a member of staff, this may not always be possible. In such circumstances, the user can submit a formal complaint under Stage 2 of the procedure.

Time Limits

There are strict time limits for submitting Complaints and progressing to each stage of the process. This is to ensure that matters can be investigated when the circumstances are still fresh in people's minds and evidence is available to support a timely and appropriate resolution. The submission deadlines for each stage of the process are identified below.

Discretion for late submissions will be given only where there are exceptional reasons supported by relevant evidence.

LJMU Sport and Physical Activity Department reserves the right not to progress complaints that are submitted outside of the specified time limits.

LJMU Sport and Physical Activity Department endeavours to complete the processing of a formal complaint and any associated review (Stage 2 and Stage 3) within 90 calendar days.

This timeframe requires users to meet any University deadlines for the submission of material.

If, for good reason, such as the availability of essential witnesses, LJMU Sport and Physical Activity Department needs to extend the timeframe, the user will be notified and kept regularly informed of the progress of the complaint.

Stage 1 – Local Resolution

In order to resolve concerns as quickly as possible, users are expected to try and resolve complaints locally with the relevant Faculty, School, Student Administration Centre, Group, External Organisation or Department, in the first instance.

First point of contact may include one of the following people, the Faculty Registrar, Faculty Operations Manager, Programme Leader, School Office, Student Administration Centre Manager or Director of School. Users should state they wish their complaint to be considered as a Stage 1 Complaint.

All Stage 1 complaints should be made within 30 calendar days of the event complained about. University staff can be contacted in writing or by email, and should respond in writing to the complainant within 30 calendar

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days. Where this is not possible for valid reasons, the staff member should advise the user of the anticipated timescale.

Users should keep a record of any action they take to resolve the complaint and keep copies of all relevant correspondence.

Stage 1 Complaint responses may include the following:

- Providing information, advice and explanations
- Suggesting solutions
- Apologies and resolution
- Referral to Student Governance for mediation and/or conciliation
- Referral to other appropriate support services
- Referral to the Formal Student Complaints procedure (Stage 2) or other University procedures.

If it is not possible to resolve the complaint locally at Stage 1 or if the user is dissatisfied with the outcome of their Stage 1 complaint and believes that the matter has not been properly addressed, then users can submit a formal complaint under Stage 2 of the Complaints procedures. (see 7 below)

LJMU Sport and Physical Activity Department also recognises that there can be exceptional circumstances where it may not be appropriate to raise the matters locally (for example if the complaint involves complex, multiple issues or where the complaint relates to the conduct of staff or other users). In such cases users should submit a formal complaint under Stage 2 of the Procedures, within 3 calendar months of the date of the event or when the issue of complaint occurred.

Stage 2 – Formal Complaint

Where the complaint has not been resolved or satisfactorily dealt with locally or where it is not appropriate to be considered locally then a user can submit a formal complaint. Users will be expected to provide details of their efforts to resolve the matter locally at Stage 1 and attach any relevant correspondence or provide reasons why it was not appropriate for their complaint to be considered locally.

All formal complaints should be made to the LJMU Sport and Physical Activity Department using the Complaint Form. Formal complaints should be made within 3 calendar months of the date of the event or when the issue of complaint occurred. Not from the date the matter was first raised or responded to.

If a complaint is submitted outside the advertised deadlines, then the complaint will be deemed out of time and LJMU Sport and Physical Activity Department reserves the right not to progress the complaint any further.

Users should complete all sections of the complaint form, clearly and concisely describing their concerns and summarising the key events with relevant dates. Failure to complete all sections of the form clearly and legibly may lead to a delay in responding to the complaint, or the complaint not being progressed.

Users need to provide appropriate and relevant evidence to support any allegations they make (evidence may include signed witness statements, letters, emails and any other relevant information). LJMU Sport and Physical Activity Department cannot guarantee the return of original documents. Users should retain copies of the complaints form and any documentary evidence they submit.

Where a user fails to provide reasonable evidence to substantiate their allegations, LJMU Sport and Physical Activity Department reserves the right not to progress the complaint further.

Users are also required to specify the remedy they seek and/or the desired outcome to their complaint.

Completed Complaint Forms and relevant evidence should be submitted to the LJMU Sport and Physical Activity Department by email to activeljmu@ljmu.ac.uk

Users will receive a formal acknowledgement within 5 working days of submitting a complaint form.

On receipt of a formal Complaint, the LJMU Sport and Physical Activity Department will undertake an initial assessment and consider whether:

- The complainant has submitted the form within the specified deadline.
- The complainant has set out clearly what the complaint is about, providing information relating to the key events and key dates.
- The issues of concern may be more appropriately considered under alternative processes rather than the LJMU Sport and Physical Activity Department Complaints Procedure.
- The complainant has provided reasonable evidence to substantiate their complaint.
- Further information is required (in relation to the eligibility of the complaint) from the complainant or relevant department.

Based on the initial assessment the LJMU Sport and Physical Activity Department will determine whether the complaint will be rejected or accepted and progressed.

If the complaint is rejected, for example if the complaint was submitted late or was submitted without reasonable evidence, the complainant will be notified in writing of the reasons for the decision.

If the complaint is accepted, there are a number of ways in which the complaint may be progressed at this stage, dependent upon the nature and complexity of the complaint. Users will be notified in writing of how their complaint will be progressed. Such action may include:

- A request for further information or clarification.
- A meeting with a LJMU Sport and Physical Activity Department member of staff to clarify matters of procedure and issues of complaint.
- Investigation by a LJMU Sport and Physical Activity Department member of staff who will provide a written response to the complaint.
- Referral of the complaint to a named person in the relevant Faculty, School or Service Team who will investigate the matter locally and provide a written response to the complaint
- Mediation facilitated by the LJMU Sport and Physical Activity Department.
- Nominating an Investigating Officer to investigate the circumstances of the complaint.
- Arranging a Formal Hearing of the complaint.

NOTE: Complaints against LJMU staff will normally be investigated by a nominated Investigating Officer (IO).

Wherever possible LJMU Sport and Physical Activity Department will seek to facilitate an early resolution of the complaint. LJMU Sport and Physical Activity Department aims to provide a response within 30 calendar days of submission of the complaint. Should this not be the case, then users will be kept informed of any likely delay and the reasons for the delay, at the earliest opportunity.

Users will receive written notification of the outcome of their complaint from the LJMU Sport and Physical Activity Department. This will include whether the complaint is upheld or not, the rationale for the decision and any further action to be taken.

Stage 3 – Final Internal Review

Users have the right to request a review of their formal complaint by the Head of Sport (or nominee) under Stage 3 of the Complaint procedure where they believe and can substantiate that:

- the formal (Stage 2) Complaint procedure has not been followed correctly and/or
- the formal complaint has not been appropriately addressed and/or

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- the decision regarding the outcome of their formal complaint is unreasonable in all the circumstances.

The grounds for the appeal should be clearly stated in writing and sent with full supporting evidence, within 15 calendar days of the date of the Stage 2 outcome letter to the Head of Sport by email at active@ljmu.ac.uk

An acknowledgement of the Stage 3 complaint will be sent to the user within 5 working days.

Stage 3 of the Procedure is not a re-opening of the complaint and will not consider the issues afresh or involve a further investigation. A complaint must have been considered at Stage 2 before it can be escalated to Stage 3.

New evidence will not be considered, unless the user can demonstrate valid reasons why they were unable to provide this evidence earlier in the process.

If necessary the Reviewer may contact the user and/or relevant departments to clarify any issues and/or matters of procedure.

The user will be formally notified in writing of the decision of the Reviewer, normally within 45 calendar days. The Reviewer will determine whether the Stage 3 Complaint should be Upheld, Upheld in Part or Not Upheld and provide the reasons for this decision and specify if any appropriate action or remedy is required.

The decision of the Reviewer is final and this represents the completion of internal LJMU procedures. LJMU Sport and Physical Activity Department will provide the user with a Completion of Procedures letter.