
BARBRI

1. DEFINITIONS

- 1.1 This is the Company SQE Student Complaints Procedure (the "**Procedure**"). All references to a post holder at the Company (the "**Company**") should be read as referring to any person, including external parties, to whom the roles and responsibilities of that post holder have been delegated.
- 1.2 In this Procedure the following terms are used:
- 1.2.1 **Concern** - a concern is an informal oral or written expression of dissatisfaction about the standard of a service or facility provided by or on behalf of the Company by a Student.
 - 1.2.2 **Complaint** - a complaint is a formal expression of dissatisfaction about the standard of a service or facility provided by or on behalf of the Company or any action or lack of action by the Company from the Student's perspective. A Complaint must be made in writing, following the process set out in this Procedure.
 - 1.2.3 **Academic appeal** - an academic appeal is a request for a review of a decision of an academic body charged with making decisions on Student progress, assessment, and awards. An academic appeal must be made in writing, following the process outlined by the Assessment Provider.
 - 1.2.4 **Procedure** - means this Student Complaints Procedure
 - 1.2.5 **Service** – means the delivery of teaching and learning by the Company in relation to a Student's SQE Prep course 1 and / or the SQE Prep course 2 where applicable and any related provision of teaching and learning facilities and support whether access to those services is provided digitally or physically. The Service will be delivered virtually and / or face to face where applicable.
 - 1.2.6 **Staff** – means an employee of the Company.
 - 1.2.7 **Student** – a reference to a Student or Students means current registered Students of the Company or a former registered Student of the Company who completed their studies within a period of 3 months of their Complaint.

2. INTRODUCTION TO THE BARBRI GLOBAL STUDENT COMPLAINTS PROCEDURE (THE PROCEDURE)

- 2.1 The Company is committed to providing all of its Students with a high-quality educational experience and welcomes feedback from its Students. We recognise that from time-to-time problems do arise and that Students may occasionally wish to express concern or dissatisfaction with aspects of the Services provided by the Company. If any Student is dissatisfied, every reasonable attempt will be made to resolve the issue informally. Should any Student wish to explore a more formal means of resolving their issue, the Company operates this Procedure (which outlines the process for raising Student Complaints and the roles and responsibilities of all parties within the process). We aim to use the feedback gathered from this procedure positively to help the Company improve the Services which we offer and enhance the Student experience.
- 2.2 Students will never be disadvantaged or treated less favourably if they raise a Concern or make a Complaint in good faith, regardless of the outcome.
- 2.3 Complaints will be handled sensitively and confidentially. Information will only be released to those who need it for the purposes of investigating and responding to a Complaint. To ensure a fair process, individuals named in a complaint will be made aware of the allegations to ensure that they have a proper opportunity to respond.
- 2.4 This Procedure is intended to be clear, transparent, and fair to all parties. All Complaints which are made in good faith will be taken seriously and thoroughly investigated.

- 2.5 Anyone accessing this Procedure and all Staff involved in investigating and responding to a Complaint should act reasonably and fairly towards each other in accordance with the terms of this Procedure at all times.
- 2.6 Informal resolution will be promoted in as many cases as possible. It is generally in the interests of all parties to resolve any concerns expeditiously and without the need to escalate to a formal Complaint.
- 2.7 Students may submit individual, or group concerns or Complaints as set out in this Procedure. Anonymous Complaints will only be accepted at the Company's discretion as set out in this Procedure.
- 2.8 The Company will use all reasonable endeavours to adhere to its published deadlines. Where this is not possible a Student will be kept informed, and a revised deadline provided. This Procedure will normally be completed within 90 days of a Complaint being made, with effect from Stage 1 of this Procedure being initiated.
- 2.9 The Company will be accountable and will apologise if mistakes have been made or the Company has fallen short of reasonable expectations. Where necessary, action will be taken to ensure such mistakes do not happen again. Complaints will be monitored and where problems are identified, changes to practice will be affected. An annual report on Complaints will be produced for the Company leadership team.
- 2.10 If what is being requested as an outcome is more than the Company can reasonably provide or is not possible, the Company will let a complainant know at an early stage.
- 2.11 Where Complaints are vexatious or frivolous, the Company may terminate consideration of a Complaint. Please see paragraph 6.3.1 of this Procedure for full information.
- 2.12 This Procedure will be applied consistently throughout all the Company facilities, and service areas.
- 2.13 This Procedure is based on both the UK Quality Code for Higher Education, and the best practice outlined by the OIA.

3. SCOPE OF THIS STUDENT COMPLAINTS PROCEDURE

- 3.1 This Procedure applies to all Concerns and Complaints relating to the Services (as defined in this Procedure) provided by the Company to its Students.
- 3.2 This Procedure comprises of three stages:
 - 3.2.1 Stage 1: an informal approach with emphasis on conciliation and local resolution;
 - 3.2.2 Stage 2: a formal procedure which may include mediation; and
 - 3.2.3 Stage 3: a request for a review of stages 1 and 2.
- 3.3 This Procedure is for all Students. A Student who wishes to make a Complaint must invoke Stage 1 (the informal stage) within three calendar months of any alleged incident and which is the cause of the Complaint. Students who have left the Company either through completion of studies or who have withdrawn for any other reason, or deferred or interrupted their studies may invoke this procedure within three calendar months following the termination of their studies.
- 3.4 Students may raise issues which may also be covered by different Company procedures. In these circumstances the Company will have discretion to decide how to progress matters in the best interests of all parties involved. This may involve deciding which matter should take precedence or whether interlinked matters can be considered together under one procedure.
- 3.5 Complaints can be wide-ranging and might include, but are not limited to:

- 3.5.1 teaching and supervision;
 - 3.5.2 unfair treatment or inappropriate behaviour by a staff member;
 - 3.5.3 misleading or incorrect information;
 - 3.5.4 the quality and standard of any service that the Company provides or its failure to provide that service;
 - 3.5.5 dissatisfaction with the Company's policies and or procedures; and
 - 3.5.6 disputes in relation to the payment to the Company of all or part of course fees due from a Student including steps taken by the Company to recover course fees against a Student in the event of non-payment.
- 3.6 There are issues that cannot be considered through this Procedure. These include:
- 3.6.1 a Complaint about a Student's behaviour or appeals by a Student regarding decisions taken under the Company's student misconduct and student conduct policies.
 - 3.6.2 Complaints about academic decisions made regarding progress or awards including appeals against the SQE assessments or the decisions of the SQE Assessment Provider. These decisions are dealt with by Assessment Provider directly and any Student who disagrees with an academic decision can access the Assessment Providers Complaints Procedures on their website.
 - 3.6.3 appeals against decisions taken by the Company regarding requests for disability support by Students under the Disability Support Procedures. These appeals are dealt with under the Company's Disability Support Review Process;
 - 3.6.4 those matters which are currently being considered by the Office of the Independent Adjudicator for Higher Education (OIA), a court or tribunal;
 - 3.6.5 routine first time requests for information;
 - 3.6.6 a request under the Freedom of Information Act or the Data Protection Act 2018;
 - 3.6.7 a request for an explanation of a policy, procedure, or practice;
 - 3.6.8 Complaints made by applicants regarding admissions decisions;
 - 3.6.9 Complaints about bullying, harassment, and victimisation;
 - 3.6.10 an attempt to have a Complaint reconsidered where the Company has completed its procedures, or the complainant has entered another of the Company's procedures regarding the same or similar matter; and
 - 3.6.11 Complaints from Staff. Such complaints would be dealt with via the Company HR Procedures.
- 3.7 The above list is not exhaustive.
4. **SUPPORT THROUGH THE STUDENT COMPLAINTS PROCEDURE**
- 4.1 During all stages of this Procedure, a Student may be accompanied to meetings by a member of:
- 4.1.1 the Company, usually a member of Staff, or a fellow Student;

4.1.2 only in exceptional circumstances and by prior agreement may a Student be accompanied by someone who is external to the Company; and

4.1.3 the role of the person supporting a Student is to offer support and advice and not to formally represent the Student or act as their advocate.

4.2 Additional support for Students requiring reasonable adjustments is set out at paragraph 13 of this Procedure.

5. **STUDENT COMPLAINTS PROCEDURE**

5.1 **Before making a Complaint**

5.1.1 A Student must take reasonable steps to address their Concerns informally, where appropriate before submitting a Complaint.

5.1.2 Avenues a Student should consider before making a Complaint include:

- (a) discussing any concern directly with the Staff member responsible for the Service with which they are dissatisfied;
- (b) discussing the issue with their Learning Coach;
- (c) discussing the issue with the Company's Student Services Advisor;
- (d) speaking to a senior member of the Company's Staff; and
- (e) recording their concern in the next available Student feedback survey.

5.1.3 Any Student wishing to disagree with an academic decision (i.e., progression from stage to stage, award of credit, decisions relating to academic misconduct penalties and decisions relating to mitigating circumstances) should submit an academic appeal by following the process outlined in the Assessment Provider.

6. **UNREASONABLE BEHAVIOUR AND VEXATIOUS COMPLAINTS**

6.1 the Company expects all participants of this Procedure to act with respect towards all other individuals and in line with its applicable codes of conduct for Staff and Students. Where the behaviour of a Student / complainant or their representative becomes unreasonable and adversely affects the ability of Staff to carry out their duties, the Company reserves the right to restrict contact with the Student / complainant and if appropriate, invoke its disciplinary procedure. Wherever possible the Company strives to allow the Complaint to progress to completion.

6.2 Examples of unacceptable behaviour might include:

6.2.1 Aggressive or abusive behaviour - This could include the threat or use of physical violence, verbal abuse, or harassment towards staff. This is likely to result in the ending of all direct contact with the complainant and could result in a report being submitted to the police.

6.2.2 Unreasonable demands - This includes instances where a complainant continues to demand responses being provided within an unreasonable timescale; insists on seeing or speaking to a particular member of Staff; makes continual contact; repeatedly changes the substance of the Complaint or raises unrelated Concerns.

6.2.3 Unreasonable persistence - This could include a persistent refusal to accept a decision made in relation to a Complaint; persistent refusal to accept explanations relating to what can or cannot be done about the Complaint and continuing to pursue a Complaint without presenting any new information.

6.3 Vexatious or frivolous Complaints.

6.3.1 The Company regards Complaints to be vexatious or frivolous where:

- (a) the Complaint does not have any serious purpose or value or is not serious or sensible in attitude;
- (b) is designed to cause disruption or annoyance or gives rise to disproportionate inconvenience or expense;
- (c) has the effect of harassing any of the Company's Staff, or can be characterised as obsessive or unreasonable; and

6.4 If the investigation of a Complaint reveals the Complaint to be vexatious or frivolous in nature, the Company reserves the right to dismiss the Complaint and to take disciplinary action against the Student. In this event, the Student will be notified of this decision in writing and will be issued with a Completion of Procedures letter.

7. STAGE 1 – FORMAL COMPLAINT

7.1 If a Student cannot resolve their Concern informally, they should complete the Company Student Complaint Form attached at Appendix 1 to this Procedure and set out the form of resolution sought and then submit it to UKStudentComplaints@barbri.com within the timescales set out at paragraph 3.3 of this Procedure. Except in exceptional circumstances the statement of Complaint cannot be extended at a later stage.

7.2 The Student Services Manager will meet with all parties and make every effort to facilitate a mutually satisfactory resolution. In any event a Student will usually receive a full response to their complaint within twenty days. The Company reserves its rights to make reasonable extensions to this timetable including to take account of vacation periods and the Student will be notified of same.

7.3 If a complaint relates to the Student Services Team and a direct resolution is not appropriate then the complaint will be referred to the Course Delivery Manager to complete a review and make every effort to facilitate a mutually satisfactory resolution.

8. STAGE 2 - REVIEW BY DEPARTMENT HEAD

8.1 If, after having tried to resolve the matter through Stage 1, a Student remains dissatisfied, they should initiate Stage 2 – within 14 days of the completion of Stage 1 of this Procedure. In addition to information provided at Stage 1 the Student should explain the steps taken at that stage and why they remain dissatisfied. They should email the original completed student complaints form, and any supporting evidence to the Student Complaints team by emailing UKStudentComplaints@barbri.com.

8.2 Within 14 days the Head of Operations will respond to the Student to acknowledge receipt of their Complaint and advise any member(s) of Staff concerned, through their line manager and in writing, that a Complaint has been received and the substance of that Complaint.

8.3 If a Student has not taken steps to address the issue informally, the Head of Operations may advise this as a first course of action, and offer a referral into Stage 1 of this Procedure or support in facilitating mediation where appropriate.

8.4 If a Student has already taken reasonable steps to informally resolve the issue, and has completed Stage 1 of this Procedure then the Head of Operations will notify the Student of the appointment of a member of the Company who is independent of the parties and matters raised by the Complaint and has not previously been involved who will act as Investigating Officer and consider the associated evidence, written or otherwise, and hold such discussions as deemed appropriate. To this end, Students and Staff may be asked to provide any documentary evidence relevant to a Complaint or give written evidence. All parties must be given at least 7 days' notice in which to provide evidence or before any meeting to which they may be invited. An earlier meeting may be

arranged with the agreement of all parties. Students should refer to the Company's Bullying and Harassment Policy and Procedure documents for guidance on taking note of any incidents that occur.

- 8.5 Following their investigation, the Investigating Officer will report their findings to a Company Senior Manager, who has had no previous involvement, alongside a recommendation as to an appropriate remedy or redress if required. The Company Head of Operations will consider the report and recommendations, and write to the Student within 14 days of receiving the report, to inform them as to:
- 8.5.1 whether their Complaint has been upheld, partially upheld, or not upheld;
 - 8.5.2 the reasoning behind this decision;
 - 8.5.3 the action that will be taken because of the decision; and
 - 8.5.4 make them aware that they can seek a review of their decision under Stage 3 of this Procedure if they remain dissatisfied with the outcome of Stage 2.
- 8.6 If the Company Head of Operations decides to uphold any Complaint in all or in part they will make any recommendations regarding the substance of any Complaint including any required remedial action and / or compensation.

9. **STAGE 3 – REQUEST FOR REVIEW OF COMPLAINT DECISION**

- 9.1 If a Student does not consider that their Complaint has been resolved by the outcome of Stage 2 of this Procedure then the Student may request that the Stage 2 Decision is reviewed under Stage 3 of this Procedure.
- 9.2 The request for Review at Stage 3 must be made by the Student in writing to ukstudentcomplaints@barbri.com within 14 days of receiving the Stage 2 Decision or any correspondence confirming the outcome of any resolution undertaken under Stage 2. The request should set out why the outcome of Stage 2 does not resolve the complaint. No new evidence can be introduced at this point unless compliant with 9.3.4 below.
- 9.3 The grounds for seeking a review at Stage 3 are:
- 9.3.1 the relevant procedures were not followed during the Stage 2 process;
 - 9.3.2 there is evidence of bias or apparent bias in the decision making at Stage 2 of the process;
 - 9.3.3 the outcome at Stage 2 was unreasonable considering the evidence submitted; or
 - 9.3.4 new evidence has been provided which would have had a material impact on the Stage 2 decision which was unavailable at an earlier stage or which the Student has given good reasons for not supplying earlier.
- 9.4 The Company Senior Director will consider a Student's grounds for seeking a review and evidence provided and decide whether they meet the stated grounds set at paragraph 9.3 of this Procedure and whether the request for review has been received within the time limits set at paragraph 9.2 of this Procedure.
- 9.5 If the Company Senior Director decides that the request for review has not been received within the required time limits set by this Procedure or that the grounds for review submitted do not meet the grounds required under this Procedure then the Company Senior Director will write to the Student within 7 days of receipt to advise that the request for review has been rejected, setting out the reasons for that decision and notifying the Student that the original decision appealed against will stand.

- 9.6 If a decision is made at paragraph 9.5 of this Procedure there will be no right of appeal against this decision the Company Senior Director will issue a Completion of Procedures letter within 28 days of coming to this decision. This letter will state the decision not to uphold the appeal, and the reasoning.
- 9.7 If the request for a review is accepted by the Company Senior Director it will be acknowledged within 7 days.. The Director of the Company will conduct a review of the Stage 2 Decision and advise the Student in writing of the outcome of the Stage 3 Review within 14 days. The Stage 3 Decision of a Director of the Company will be final.
- 9.8 A review by a Director of the Company at Stage 3 of this Procedure will be a review and not a re-hearing.
- 9.9 The outcome of the Stage 3 Review could include the original Stage 2 Decision being upheld, partially upheld or overturned. If a Stage 2 Decision is overturned the complaint may be remitted back to Stage 2 for a fresh reconsideration.
10. **OUTCOMES OF THE STUDENT COMPLAINTS PROCEDURE**
- 10.1 Where a Complaint refers to a member of the Company Staff, the outcome of the complaint and reasoning will be shared with all parties concerned and line managers of the relevant Staff member.
- 10.2 Following a Stage 3 Complaint, a Completion of Procedures letter must be issued by a Director of the Company within 28 days of the completion of all internal processes relating to a complaint.
11. **COMPLAINTS AGAINST STAFF**
- 11.1 Complaints by Students about the Company Staff must be handled by an individual independent of the Staff member involved, to avoid a conflict of interest. The Company Student Services Team must consider any conflicts of interest and arrange for an alternative Staff member to lead the investigation. Alternatively, it may be appropriate to appoint an external party to the Company to investigate.
- 11.2 It is also the Company's duty to ensure that all Staff are treated fairly throughout this Procedure. Therefore, any Staff member has the right to be supported through this Procedure, and to be advised of any Complaint made against them at the outset and to have access to any evidence presented in support of any Complaint as well as the right to reply to that Complaint at any stage of this Procedure.
- 11.3 If a Complaint made against a Staff member under this Procedure is of a disciplinary nature or raises allegation which are better suited to a disciplinary investigation then the Company may decide that this Procedure is suspended until the disciplinary matter has been concluded. If a case is considered sufficiently serious or is proven against a member of Staff this will be referred to the Company's human resources team to decide whether further investigation should take place.
12. **COMPLAINTS INVOLVING CRIMINAL OR OTHER PROCEEDINGS**
- 12.1 If at any stage in the handling of a Complaint under this Procedure the Company is informed that any of the matters that are the subject of a Complaint have been referred to the police or are the subject of police investigation or are the subject of criminal or other proceedings then the Company may decide to stay any further action under this Procedure pending the outcome of those processes. On being notified of the conclusion of any police investigation or criminal investigation or other proceedings the Company will then decide whether it is appropriate to continue with any action under this Procedure.
13. **REASONABLE ADJUSTMENTS AND SUPPORT**
- 13.1 The Company complies with its obligations to its Students under the Equality Act 2010 by putting in place reasonable adjustments to ensure that Students who have protected characteristics under the Equality Act 2010 are not treated less favourably when making complaints of following this procedure.

13.2 In the case of Students with additional needs due to their protected characteristics under the Equality Act 2010, reasonable adjustments can be made to prevent placing them at a disadvantage. This may include holding meetings by Zoom, MS Teams, video conferencing, telephone conferencing, Skype, or other appropriate means. Anybody who may require assistance in making their Complaint should discuss their needs with the Company Student Services Team ukstudentservices@barbri.com and it will then seek to refer the Student to appropriate support.

13.3 If a Student finds this Procedure or the details of the Complaint itself have caused them to feel anxious or stressed, they may wish to contact the Company for additional support at any stage in the process. Support might also include helping to find the right words to explain your concerns as clearly as possible, explaining how this Procedure works and helping to decide whether this course of action is the best way of resolving Concerns, providing support at any meetings attended in relation to a formal Complaint.

14. **CONFIDENTIALITY**

14.1 The Company will process all personal information in accordance with its data protection policy.

14.2 Any Complaint raised by a Student will be treated with appropriate confidentiality. However, it may be necessary to discuss a complaint with Staff or other Students to properly investigate that Complaint or implement the outcomes of that Complaint.

14.3 If the confidentiality of any Complaint under this Procedure is breached by a member of Staff or a Student then the Company reserves the right to refer any breach for consideration under its disciplinary procedures.

15. **GROUP COMPLAINTS**

15.1 If several Students wish to submit a group Complaint they will be required to nominate one Student to act as a spokesperson and to lead any communication with the Company under this Procedure. The Student Complaint Form must be completed and signed by that nominated Student and a document attached containing the names, details, and signatures of the other Students who are seeking to support the Complaint. The evidence submitted to support the Complaint must be agreed by the group of Students and provided with the Student Complaint Form. No additional evidence will be accepted after submission of the Student Complaint Form unless there are exceptional grounds.

15.2 Where a Student is party to a group Complaint under this Procedure the Company will not accept an individual Complaint from that Student in relation to the same matter(s).

16. **THIRD PARTY COMPLAINTS**

16.1 the Company will not accept any Complaint made on behalf of a Student unless a signed statement by the Student is sent to the Company as part of their Complaint. This includes Complaints made by a parent, employer, spouse or guardian or partner of a Student.

17. **ANONYMOUS COMPLAINTS**

17.1 Complaints received from an anonymous source will be given consideration at the Company's discretion. The Company encourages any Student to raise a concern without fear of suffering any disadvantage, but a Complaint made anonymously could impede any investigation and communication of the outcome. The Company will only exercise its discretion to accept anonymous Complaints in exceptional circumstances. In exercising discretion, the Company will take account of the following factors:

17.1.1 the seriousness of the Complaint;

17.1.2 the likelihood of confirming the allegation from attributable sources;

17.1.3 whether enough information has been provided to enable any further action;

17.1.4 whether anonymity can reasonably be maintained;

17.1.5 whether resolution can be found through an informal process.

18. FEE LIABILITY

18.1 A Student will remain liable for tuition and other fees due and payable to the Company for the delivery of its Services even if a Complaint is made by way of this Procedure unless a specific decision is taken under this Procedure to suspend that requirement pending the determination of a Complaint or the outcome of any Complaint holds that a Student should not be liable for all or any part of those fees.

19. MONITORING CONCERNS

19.1 It is important that the Company monitors all concerns raised by Students and responds proactively where appropriate. Ostensibly minor Concerns, when reported by multiple Students, should be properly considered and investigated.

19.2 Any Concerns which have been raised independently by more than one Student should be discussed by the Company's senior leadership team on a case-by-case basis, and this team will monitor the situation and take action as appropriate.

19.3 Overall responsibility for this Procedure is delegated to the Managing Director of the Company.

