Complaints Policy and Procedure
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# Part 1 – How to raise a complaint

## Introduction

1. The University has a large community of students engaged in activities of an academic and non-academic nature and there may be instances where students are dissatisfied with some aspect of the activities they engage with. If this happens, it is important that matters of dissatisfaction are raised as quickly as possible.
2. Students can raise concerns, or express levels of dissatisfaction without risk of disadvantage or recrimination. The [Students' Union](https://www.londonmetsu.org.uk/) can assist with complaints, associated questions and provide procedural advice at each stage of the Complaints Procedure.
3. The Student Complaints Procedure sets out how the University will deal with complaints that a student may wish to pursue. The procedure informs students of the University’s definition of a complaint, who can make a complaint and the complaints process.
4. The University will process all information in accordance with its [Student Privacy Notice](https://www.londonmet.ac.uk/about/policies/data-protection/student-privacy-notice/) and the principles of the General Data Protection Regulation (GDPR). Complaints will be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint. No third party should be told any more about the investigation than is necessary in order to obtain the information required from them.
5. If it is determined by the Student Casework Office that aspects of a complaint may relate to a member of staff’s conduct, the student bringing the complaint will be asked to provide consent to share the contents of the complaint with the staff member in question and their line manager. Upon referral by the Student Casework Office should it be determined, on the face of it, by Human Resources that further investigation outside of the Complaints Policy and Procedure is required, Human Resources will advise whether some or all aspects would be better dealt with under the University’s staff Disciplinary Procedure. In such cases it is not appropriate to share full details affecting members of staff if a complaint is upheld, particularly if disciplinary action may be taken. However, so far as it is reasonable, following completion of this procedure, the Student Casework Office will provide student with an outcome that deals with the substance of the core aspects raised and whether the complaint is upheld or not upheld. Where possible the Student Casework Office will investigate aspects of the complaint that do not relate to staff conduct, alongside the staff Disciplinary Procedure, however in complex instances, at the request of Human Resources, the Student Casework Office may be asked to pause the complaint until other procedures are completed. It is important that students are aware of this from the onset to manage expectations. If Human Resources does not determine further investigation is required, the information provided in the complaint may still be used for statistical purposes, and for staff training. The University aims to make this Procedure clear and accessible, as well as to encourage the early resolution of complaints in a way that is fair, reasonable and proportionate. Each case is considered on its own merit and in accordance with the evidence and circumstances presented. This Procedure should be read in conjunction with the General Provision set out in Part 2 of this document.
6. Nothing in this Policy is intended to limit students’ or staff members’ freedom of expression within the law, or to prevent students from openly criticising, disagreeing with or peacefully protesting against the University.

## Definition of a complaint

1. The University defines a complaint as an expression of dissatisfaction by one or more students about the action or omission of the University’s teaching-related or service-related provision.

## Who can complain using this Policy?

### An individual studying at the University

1. Under this policy and procedure an individual is considered a student once they have accepted an offer from the University. This includes apprentices.
	1. Students are encouraged and expected to raise any problems or issues as soon as the action or omission occurs and no later than 3 months of the problem or issue occurring.
	2. Any delay in submitting a formal complaint will need to be fully explained. Formal complaints submitted after 3 months will not normally be considered and deemed invalid unless there is good reason accompanied by supporting evidence for the delay.
	3. Students will be provided with a Completion of Procedures letter if the complaint is rejected because it has been submitted late.

### A group of individuals studying at the University

1. Students currently enrolled or being assessed by the University may complain individually or as part of a group. Complaints will be responded to individually and contact details for each complainant should be included on the formal complaint form. In these circumstances, the group are advised to appoint a group representative (but no more than two) to facilitate communications for the purposes of the formal procedure.
	1. Students are permitted to provide individual statements should they share the concerns of the group and in addition, want to raise individual concerns in relation to the complaint being raised.
	2. Students are encouraged and expected to raise any problems or issues as soon as the action or omission occurs and no later than 3 months of the problem or issue occurring.
	3. Any delay in submitting a complaint will need to be fully explained. Formal complaints submitted after 3 months will not normally be considered and deemed invalid unless there is good reason accompanied by supporting evidence for the delay.
	4. Students will be provided with a Completion of Procedures letter if the complaint is rejected because it has been submitted late.

### An applicant, former student or recent graduate of the University

1. An applicant, former student or recent graduate of the University.
	1. An applicant is defined as someone who has not yet accepted an offer at the University. For swift resolution, for complaints regarding enrolment and admissions, applicants should, in the first instance try to resolve this through Early Resolution as defined in paragraph 14. If applicants wish to submit a Formal complaint regarding admissions and enrolment this should be submitted to the Student Casework Office for consideration. Completed [Formal Complaint Forms](https://student.londonmet.ac.uk/your-studies/student-administration/rules-and-regulations/complaints-procedure/) and supporting evidence must be received within 3 months of the act or omission of the University. Complaints received after this time will not normally be considered. It is recognised that an applicant may become a student, as defined in paragraph 8, during the course of a Formal complaint investigation.
	2. Formal complaints from former students or recent graduates should be submitted to the Student Casework Office. Completed [Formal Complaint Forms](https://student.londonmet.ac.uk/your-studies/student-administration/rules-and-regulations/complaints-procedure/) and supporting evidence must be received within 3 months of leaving the University. Complaints received after this time will not normally be considered.
	3. Applicants, former students or recent graduates must provide good reasons for not raising the complaint within 3 months. The Head of Student Casework (or nominee) has the sole discretion to consider complaints outside of the time limit. Formal complaints received more than 3 months after the matter being complained of will only be considered in exceptional circumstances.
	4. A Completion of Procedures letter will be provided if the complaint is rejected because it has been submitted late.

### Anonymous complaints

1. Students can report incidences that they have either personally experienced or have witnessed in regard to the action or omission of the University’s teaching-related or service-related provision (defined as a complaint) for the purpose of this Policy. Anonymous reporting may be used to provide statistical information to inform proactive and preventative work, or to allow for monitoring issues across the University. Choosing to report anonymously means the scope of the complaint is limited therefore, may not be able to be investigated or responded to by the University.

### Employers (apprenticeships)

1. If an Employer of an apprentice wishes to raise a Formal complaint with the University, then this should be directed, in writing, to the Head of Work Based Learning, Policy and Practice (or nominee).

## Procedure

### Early Resolution

1. The early resolution stage provides the opportunity for current students to raise concerns before escalating them into a formal complaint. Early resolution is aimed at addressing straightforward concerns swiftly and locally without the requirement of completing and submitting a formal complaint form.
2. Early resolution could include attempting to resolve the matter (face-to face or by way of a written dialogue) with the member of staff most directly involved with the concern. Or attempting to resolve the matter with a person considered as an appropriate member of staff, for example:
	1. Teaching related – Module Tutor, Module Leader, Course Leader of the relevant School
	2. Service related – Manager of the relevant Professional Service Department
3. If students are unsure of who to speak to regarding a concern, their [School Office](https://student.londonmet.ac.uk/school-offices/) can be the first point of contact. Students can also seek to resolve the matter informally by identifying the [appropriate service](https://www.londonmet.ac.uk/services-and-facilities/) that concern relates to. If students would like to seek advice, they should contact the Students’ Union.
4. Early resolution is an optional stage of this procedure and any response to the concerns raised should take no longer than 10 working days. Should students be dissatisfied with the response, they should consider making a formal complaint.
5. Students who wish to pursue a formal complaint at this stage, should complete and submit a Formal Complaint Form and any supporting evidence to the Student Casework Office.
6. If the Student Casework Office receive an informal complaint, with students’ consent it will be redirected back to the member of staff most directly involved with the concern, or an appropriate member of staff from the relevant School or Professional Service Department.

### Formal Complaint Stage 1

1. A complaint should be raised as soon as the action or omission occurs and submitted no later than 3 months of the problem or issue occurring.
2. Students are required to complete and submit a [Formal Complaint Form](https://student.londonmet.ac.uk/your-studies/student-administration/rules-and-regulations/complaints-procedure/) and supporting evidence to the Student Casework Office.
3. Formal Complaints will be investigated by appropriately trained and knowledgeable staff from the Student Casework Office. Student Casework Officers that undertake complaints are experienced in casework management, investigations, compliance and have completed mandatory training in data protection, equality and diversity and implementing reasonable adjustments for students.
4. mandatory training related to data protection, implementing reasonable adjustments for students.
5. Students are asked to clearly state the issues they complain of and to indicate the remedy they are seeking. As this is an evidence-based process, students are asked to include any evidence they wish to rely on to support the issues raised and to confirm all relevant evidence has been submitted. Examples of the types of evidence that can be provided include but are not limited to the following:
* Relevant correspondance
* Relevant course or service documentation
* Expert reports by professionals or placement reports
* Witness statements
* Independent medical advice
* Social media where relevant
1. On receipt of the formal complaint, the Student Casework Office will determine whether:
	1. The complaint has been submitted within 3 months of the problem or issue occurring for students studying at the University. Applicants, former or recent graduates should refer to paragraph 10.
	2. The standard of proof applied by the investigator of the complaint shall be on a balance of probabilities.
	3. The Complaints Procedure is appropriate, or whether the issue should be dealt with through another University Policies. For example, Mitigating Circumstances, Appeals, staff Disciplinary Procedure, Student Conduct or Fitness to Study.
	4. The concern (where agreed) could still be resolved through early resolution if suitable steps have been identified and progress can be made towards a resolution.
	5. The complaint is vexatious or without substance or merit. In such instances the Student Casework Office shall consult with the Head of Student Casework (or nominee) and either, dismiss the complaint, consider the complaint or refer the complaint to an impartial nominee situated outside of the School and/or Professional Service Department being complained of except if the matter relates to admissions process or decisions. Complainants should refer to paragraph 10.
	6. If the outcome is to reject the complaint, then the complainant may proceed to the Final Complaint Review Stage within 10 working days from the date of the decision.
2. After taking into consideration each instance in 21 above, where there are reasonable grounds, the Student Casework Office, (or the impartial nominee) shall investigate the complaint.
	1. Students will be notified of the individual responsible for the investigation if the complaint is investigated by a nominee.
	2. The investigation will be conducted by a member of staff who has not previously been involved in the matter to avoid actual or potential conflicts of interest.
3. The investigation will take into account any evidence provided to support the complaint. There may be instances in which additional information is requested as part of the investigation. The timeframe in which to provide additional information is within 5 working days of the request being made.
4. The Student Casework Office, or the impartial nominee may request a meeting as part of the investigation to discuss the complaint, the evidence provided and any potential resolution. If a meeting is arranged, students shall be given 5 working days’ notice.
	1. Students can be accompanied by someone such as a friend/advisor from the Students’ Union by way of support and not by way of legal representation, such as a Solicitor or Barrister. The accompanying person’s capacity at the meeting is one of a silent observer.
	2. Students that are unable to attend a meeting in person can be offered a suitable alternative such as a telephone call or, where feasible, a Microsoft Teams (MS Teams) video link.
	3. Students can request that the meeting be rescheduled on one occasion (within 5 working days of the initial meeting date). Rescheduling however may cause a delay in receiving the complaint outcome. The investigator of the complaint has the sole discretion to consider requests made outside of the timeframe.
	4. The Student Casework Office or the impartial nominee can continue with the investigation and come to a conclusion where a meeting has been scheduled and/or rescheduled within a reasonable period (referred to in point 24 and 24.3.) and students have chosen not to attend.
5. Once the complaint has been completed, the Student Casework Office, or the impartial nominee shall provide a written outcome within 25 working days of the formal complaint submission. The outcome shall include the findings, the decision in relation to each issue raised and any remedial actions that will be taken, if any.
6. If the investigation cannot be completed by the expected date, the person investigating the complaint will inform the student of the delay and give an indication of when the expected outcome is likely to be received.
7. Students who are dissatisfied with the outcome may wish to proceed to the Final Complaint Review stage.
8. Complaints that do not proceed to Final Complaint Review stage after 10 working days from the date of the outcome letter will be considered as closed. A Completion of Procedures letter can be provided upon request, although students should be aware that the University’s internal processes are not complete at this stage.

### Final Complaint Review Stage 2

1. Students who wish to proceed to the Final Complaint Review should complete and submit a [Final Complaint Review Form](https://student.londonmet.ac.uk/your-studies/student-administration/rules-and-regulations/complaints-procedure/) to the Student Casework Office within 10 working days from the date of the outcome letter.
	1. The Head of Student Casework (or nominee) has the sole discretion to consider complaint reviews outside of the time limits and will only consider late complaints at the review stage in exceptional circumstances. An explanation and any relevant evidence should be submitted with any late complaint review.
	2. It will be the final decision of the University if the Head of Student Casework (or nominee) rejects the exceptional circumstances, or considers the matters being pursued are vexatious or without substance. In such instances, a Completion of Procedures letter will be provided within 10 working days of receipt of the Final Complaint Review.
2. A complaint must have been considered at the Formal Complaint stage before it can be escalated to the review stage. Complaints submitted directly to the Student Casework Office at this stage will be referred back to the Formal Complaint stage for consideration.
3. The Final Complaint Review will be considered by the Head of Student Casework (or nominee)
4. The review stage will not reconsider the formal complaint afresh, be an opportunity for a second opinion, or involve a further investigation. A request for review will only be considered by the Head of Student Casework (or nominee) on the following grounds:
	1. There has been a procedural error in applying the Policy when the complaint was investigated. For instance, the review will consider whether the formal complaint was conducted fairly and in accordance with the procedures set out within the Policy.
	2. There have been other irregularities when the complaint was investigated which has demonstrably affected the outcome of the complaint to the detriment of the student. For instance, not all aspects of the complaint were addressed, the information provided in the outcome was considered incorrect, or the evidence provided was not taken into consideration.
	3. There is new essential evidence that could not be made available when the formal complaint was submitted or investigated that would have significantly affected the outcome of the complaint. In such instances students are expected to provide an explanation as to why the evidence is being submitted at this late stage of the procedure.
	4. The outcome decision was upheld or partially upheld but the decision or the proposed remedy was unreasonable or disproportionate.
5. With the grounds for review in mind, students are expected to clearly set out the grounds on which a review is being requested.
6. The Head of Student Casework (or nominee) shall refer to point 32 to determine that there are valid grounds for the review. The Head of Student Casework (or nominee) can reject a complaint review if the review falls outside of the grounds stated above. In such instances, a Completion of Procedures letter will be provided within 10 working days of receipt of the Final Complaint Review.
7. Valid final Complaint reviews will be considered by the Head of Student Casework (or nominee) within 25 working days. The Head of Student Casework (or nominee) shall either:
	1. Reject and uphold the original Stage 1 complaint decision at the review stage. Students will be issued with a Completion of Procedures (COP) letter.
	2. Uphold or partially uphold the complaint review submitted and propose a resolution or a revised resolution.
	3. Uphold and overturn the Formal Complaint outcome decision. Recommendations will be made to the School or Professional Service Department for reconsideration. Students will receive a written response from the School or Professional Service Department to explain how and when any recommendations by way of remedy will be implemented. A remedy can include an apology.
	4. Students can request a COP letter where a review outcome decision is upheld. A COP letter will not automatically be issued to students following on from an upheld outcome.
	5. If the investigation cannot be completed by the expected date, the Student Casework Office will inform the student of the delay and give an indication of when the expected outcome is likely to be received.
8. At this point, students have completed the University’s internal procedures. Students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator (OIA) for Higher Education. A complaint must be submitted to the OIA within 12 months of the University’s final decision. The OIA cannot consider complaints about:
	1. Admissions, unless the person complaining is a former student of the University who is applying for re-admission, and the complaint is directly connected to their time as a student:
	2. Academic judgment;
	3. Student employment;
	4. Something that has already been the subject of legal proceedings in a court or tribunal unless those proceedings are put on hold;
	5. Something that has already been considered by another alternative dispute resolution body.

# Part 2 – General Provisions

## Complaints excluded from this procedure and alternative procedures

1. It is impractical for the Students Complaints Procedure or any other procedures to cover every kind of issue that students may wish to raise. Therefore, students should note that this procedure cannot be used to:
	1. Raise third party complaints on behalf of a student. This includes parents, guardians, relatives or the spouse or partner of a student. Only in exceptional circumstances will a complaint be considered if, written authorisation and valid reasons have been provided by the student.
	2. Raise complaints about Assessment Board or Engagement Panel decisions for progression, assessments and awards. Complaints should be made by way of the Appeals Policy and Procedure.
	3. Raise complaints about students conduct or against other students at the University. Complaints should be made by way of the Student Conduct or the Fitness to Study Policies.
	4. Raise complaints about a number of issues outside of the Complaints Procedure. Students will be informed to submit the required form when a complaint would be more appropriately considered under a different regulation, policy or procedure referred to in points 37.2 and 37.3.
		1. If two procedures are to be pursued at the same time, then one procedure may be suspended pending the completion of another. In this instance, students will be informed by the Student Casework Office (or the impartial nominee) which procedure is being pursued and which procedure in being suspended.
	5. Complain frivolously, vexatious, without substance or merit, or not in line with the Student Code of Conduct. Complaints of this nature may be subject to action by the University under the Student Conduct procedure. Examples can include complaints which are harassing, designed to cause disruption or annoyance, demand for redress lacking any serious purpose or value and /or have unrealistic expectations and/or unreasonable outcomes.
	6. Raise suggestions of a legal claim. This should be sent to the University Secretary’s Office who will respond in line with the Court’s guidelines. If a complaint raises the same issues as ongoing or completed legal proceedings or issues contained in a letter of claim, the complaint will not be investigated unless ongoing legal proceedings are put on hold, or the student confirms that they do not require a response to the letter of claim.
	7. Complain against the Students’ Union, such complaints should be made by way of the Students' Union Complaints Procedure.
2. Where complaints concern the conduct of staff, a decision will be made as to whether Human Resources need to be notified and/or if a separate procedure will be followed.

## Collaborative/partner institutions

1. Academic complaints should be submitted following the procedure of the institution in which the student is based. Complaints from collaborative/partner institutions, may only be accepted at the University’s Final Complaint Review Stage where students have reached the end of their collaborative/partner institutions internal procedures.

## Complaints from students on placement

1. Specific concerns about placement provision, or students on placement can either fall under the jurisdiction of the University or under the host institution or company.
	1. In the first instance, a complaint should be taken up informally with either the appropriate member of staff or with the Placement Supervisor. This may be done by the student concerned, another student, the Placement Supervisor or another academic member of making the complaint.
	2. If students remain dissatisfied and wishes to make a formal complaint, the matter should be put in writing on a Formal Complaint Form and supporting evidence to the Student Casework Office in line with the above procedures.
	3. If staff remain dissatisfied, they may wish to pursue under Fitness to Practice for professional regulated course or Student Conduct or Fitness to Study Policies.

## Confidentiality and Reporting

1. The University will process all information in accordance with its Student Privacy Notice and the principles of the General Data Protection Regulation (GDPR). Appeals will be handled with an appropriate level of confidentiality and by trained staff. With information released only to those who need it for the purposes of investigating or responding to the appeal. No third party should be told any more about the appeal than is necessary in order to obtain the information required from them.
2. The outcomes and recommendations from complaints investigations may be shared across the University for institutional learning and reporting purposes, for instance to Academic Board and Board of Governors. However, any personal information will be removed and handled in accordance with the University’s Privacy Notice.

## Complaints Procedure Diagram

