

London Metropolitan University

General Student Regulations

Section 8 - Student Complaints

2016-17

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1 Purpose

- 1.1 The University is an adult learning environment, and accordingly students and staff are expected to treat each other responsibly and attempt to resolve any issues between them by discussion rather than resorting to formal procedures; however, the University recognises that sometimes such informal mechanisms are inappropriate or ineffective.
- 1.2 The purpose of these regulations is to enable issues of dissatisfaction to be addressed through a clear process which identifies a member of staff responsible for dealing with and resolving complaints.
- 1.3 No person shall be treated badly by the University because they have complained or assisted anyone else's complaint.

2 Complaint

- 2.1 A complaint is a formal expression of dissatisfaction with any alleged act or omission of the University by a student, former student, applicant or other user of the University's services.
- 2.2 Under these regulations the University will not consider:
 - 2.2.1 a challenge to a decision of an Assessment board or a challenge to another exercise of academic judgment that has been reached by due process. Challenges to decisions of Assessment Boards should be made by way of an appeal. Where only part of a complaint challenges the decision of an Assessment Board, the remainder will be considered under this procedure;
 - 2.2.2 a challenge to a decision to terminate student status. This should be dealt with by way of an appeal against termination of student status;
 - 2.2.3 a complaint about another student's behaviour. This should be reported to the School Proctor, as it may be misconduct;
 - 2.2.4 an intimation of a legal claim. This should be sent to the University Secretary who will respond in line with the Court's guidelines.
- 2.3 The University will consider complaints against:
 - 2.3.1 The Students' Union;
 - 2.3.2 Partner Institutions; and
 - 2.3.3 Any other entity which is subject to University oversight, but which has its own complaints procedure;

under these regulations. In such cases, the outcome of the entity's complaints procedure shall be deemed to be the complaint outcome which can be reviewed by the University Secretary in accordance with regulation 6.
- 2.4 This procedure is not appropriate for giving general feedback (for example, about a particular course) – this should be referred to the Course Student Academic Representative (StAR). This procedure is not appropriate for disclosing malpractice

as defined by the University's Public Interest Disclosure Policy, under which disclosure should be made.

- 2.5 Where a complaint is frivolous or vexatious or where the complainant or representative engages in unacceptable behaviour, the complaint may be dismissed or conditions imposed on how the complainant/representative can conduct the complaint.

3 Before complaining/Informal resolution

- 3.1 Before submitting a complaint under this procedure a complainant should attempt to resolve the issue with the person concerned with or responsible for the matter giving rise to the complaint. This is usually the quickest and easiest way of resolving matters. However, if the complainant has not had a response or they not satisfied with the response, they should submit a complaint under this procedure.
- 3.2 The relevant School or Professional Service Department may put their investigation of a complaint under these regulations on hold to allow informal methods of resolution to be explored.
- 3.3 A complaint shall be considered under these regulation and the investigation not put on hold, at the request of the complainant, if:
- 3.3.1 It is not appropriate to be dealt with informally. If the complainant and the relevant School or Professional Service Department do not agree whether it is appropriate to deal with a particular matter informally, it shall be referred to the University Secretary for determination; or
- 3.3.2 More than 4 weeks has elapsed since the investigation under these regulations was put on hold pursuant to regulation 3.2 above.
- 3.4 Notwithstanding anything in this regulation 3, regulation 4 below shall apply to all complaints, whether or not any informal resolution of the matter has been explored or undertaken.

4 Submitting a complaint

- 4.1 A complaint must:
- 4.1.1 be made in writing on the prescribed Complaint Form (available at www.londonmet.ac.uk/complaints on the University Secretary's Office webpages or in hard copy on request from the University Secretary's Office);
- 4.1.2 be dated and bear the full name, student number (if applicable) of the complainant and be authorised by the complainant. The University does not accept complaints brought on behalf of another person, unless that person has specifically given written permission, or anonymous complaints;
- 4.1.3 state the issues about which the complainant wishes to complain and what outcome the complainant is seeking;
- 4.1.4 state what steps the complainant has taken to resolve the issue before making a complaint;

- 4.1.5 include all relevant evidence that the complainant wishes to rely upon. The complainant will be asked to confirm that they have submitted all relevant evidence;
 - 4.1.6 If it is being made on behalf of a number of complainants, include the consent of each person on whose behalf the group complaint is being made and nominate one person to act as group representative with whom the University can correspond on behalf of the whole group.
 - 4.1.7 be received within 3 months after the act or omission complained of (complaints received after this deadline will be deemed invalid unless the complainant has demonstrated good reason for any period of delay);
 - 4.1.8 be submitted to the Head of School of the relevant School or Head of the relevant Professional Service Department or their nominees (a list of the nominated contacts is available on the University Secretary's Office webpages). Where a complaint relates to more than one School and or Professional Service Department, the complaint should be submitted to the Deputy University Secretary, who shall coordinate the investigation of the complaint across the relevant School and/or Professional Service Department either personally or shall nominate another person to coordinate the investigation.
- 4.2 A complainant may find it helpful to seek advice, support or advocacy from the Students' Union. The University Secretary's Office can give procedural advice, but cannot advise on the substance of the complaint.

5 Investigating a Complaint

- 5.1 On receipt of a valid complaint form the relevant School or Professional Service Department will investigate the complaint.
- 5.2 The complainant is required to participate with the investigation process in a timely and cooperative manner and comply with any reasonable requests for additional information/requests for meetings made by the person or team investigating the complaint.
- 5.3 If a meeting is arranged the complainant shall be given at least 5 working days' notice. The complainant shall be entitled to attend with a friend (who is not a solicitor or barrister), provided they are a student, member of staff of the Students' Union or member of staff of the University.
- 5.4 Once the investigation has been completed, the Head of School or Head of Department (or the Deputy University Secretary) or their nominee shall provide a written complaint outcome to the complainant which sets out their findings and decision in relation to each issue raised together with a summary of the evidence supporting each finding.
- 5.5 Investigation of a complaint may be put on hold while other procedures (such as academic appeals) are in progress.

6 Reviewing a Decision

- 6.1 The complainant may ask the University Secretary to review the decision(s) on the grounds that:
- 6.1.1 the decision maker has misapplied a procedure, policy or regulation;
 - 6.1.2 the decision(s) is not supported by the evidence;
 - 6.1.3 there was a serious procedural error (whether of this procedure prescribed by these regulations or of the requirements of natural justice) or other irregularity when the complaint was investigated and the decision(s) reached that makes the decision unfair;
 - 6.1.4 no reasons for the decision were given; and/or
 - 6.1.5 the student has new evidence that they could not reasonably have provided when making the complaint or during the investigation and which would probably have an important influence on complaint outcome. Other than this, the University Secretary shall not consider any evidence that was not provided when the complaint was being investigated and a decision reached under paragraph 5.
- 6.2 The request for a review must:
- 6.2.1 be in writing on the prescribed Complaint Review Form (available at www.londonmet.ac.uk/complaints on the University Secretary's Office webpages or in hard copy on request from the University Secretary's Office)and
 - 6.2.2 state the grounds on which the decision(s) should be reviewed.
 - 6.2.3 be received by the University Secretary within 2 weeks of the decision(s) being sent.
- 6.3 After reviewing the decision(s) the University Secretary may:
- 6.3.1 affirm, set aside or vary any finding or decision reached;
 - 6.3.2 refer the complaint, or any part of it or any decision to the Dean or Head of Department for further consideration, with any such guidance as the University Secretary thinks fit;
 - 6.3.3 investigate (personally or by a nominee) the complaint afresh.
- 6.4 The outcome of the review will be communicated to the complainant in writing.

7 Timeliness

- 7.1 A complaint shall be investigated within a reasonable time. What is a reasonable time will depend on the nature of the complaint and evidence submitted with it, but the formal investigation and any associated review should be completed within 13 weeks of initial receipt of the complaint form. However, there may be circumstances where, for good reason, the University needs to extend this timeframe; if this occurs the University will advise the complainant of this.

- 7.2 Circumstances that may delay completion of the procedures (investigation and review) include (but are not limited to):
- 7.2.1 Incomplete forms;
 - 7.2.2 Lack of clarity regarding the issues complained about or grounds relied upon;
 - 7.2.3 Unavailability of relevant persons (including the complainant) for interviews/meetings;
 - 7.2.4 The investigation being put on hold to allow informal methods of resolution to be explored; or
 - 7.2.5 Delays in requesting a review.
- 7.3 Any period during which the investigation is put on hold to allow informal methods of resolution to be explored (pursuant to regulation 3.2 above) shall not be included in the thirteen week period referred to in regulation 7.1 above.

8 Completion of Procedure and External review

- 8.1 The University Secretary shall issue a Completion of Procedures letter where:
- 8.1.1 The request for a review has been upheld, but the complainant requests a letter; and
 - 8.1.2 Where the complaint has not been upheld and the complaint's request for review has been rejected.
- 8.2 A complainant who remains dissatisfied may seek review from the Office of Independent Adjudicator established for this purpose, subject to the terms of its scheme. The Office of Independent Adjudicator scheme does not cover complaints relating to:
- 8.2.1 admission to the University;
 - 8.2.2 matters of academic judgment;
 - 8.2.3 student employment matters;
 - 8.2.4 matters that are the subject of court proceedings which have been concluded or which are "live" unless they have been stayed; or
 - 8.2.5 matters previously considered by another ADR Entity.