Complaints Policy 2024/25

Owner: Dean of Students

Version: 1.0

Coming into effect: 2024-09-01

Review date: 2025-June

**Contents**

[Part 1 – Introduction 3](#_Toc172801940)

[Background 3](#_Toc172801941)

[Confidentiality and Reporting 3](#_Toc172801942)

[Part 2 - Scope 4](#_Toc172801943)

[What can be complained about under this Policy? 4](#_Toc172801944)

[Who can complain using this Policy 5](#_Toc172801945)

[Time Limits for making a Complaint 6](#_Toc172801946)

[Group Complaints 6](#_Toc172801947)

[Anonymous complaints 6](#_Toc172801948)

[Multiple Procedures 7](#_Toc172801949)

[Part 3 - Procedure 7](#_Toc172801950)

[Early Resolution 7](#_Toc172801951)

[Formal Complaint Stage 1 8](#_Toc172801952)

[Final Complaint Review Stage 2 11](#_Toc172801953)

[Completion of Procedures 13](#_Toc172801954)

[Early termination of a complaint 13](#_Toc172801955)

[Part 4 – Specific Provisions 13](#_Toc172801956)

[Complaints about Staff 14](#_Toc172801957)

[Collaborative/partner institutions 14](#_Toc172801958)

[Complaints relating to placements 15](#_Toc172801959)

# Part 1 – Introduction

## Background

1. The University is committed to providing high-quality teaching and support. We encourage an environment of continuous improvement and listening to students’ feedback. It is recognised that sometimes that people may have concerns or be dissatisfied about the teaching or services they are receiving and may wish to raise this formally.
2. If this happens, it is important that matters of dissatisfaction are raised as quickly as possible to support early resolution, and that when matters are raised, they are dealt with fairly.

* Complainant’s can raise concerns, or express levels of dissatisfaction without risk of disadvantage or bias. 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.

1. The Complaints Policy sets out how the University will deal with complaints that a complainant may wish to pursue. The policy sets out the University’s definition of a complaint, who can make a complaint and the complaints process.
2. The University aims to make this Policy 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.
3. Nothing in this Policy is intended to limit students’ or staff members’ freedom of speech within the law, or to prevent anyone from openly criticising, disagreeing with or peacefully protesting the University.

## 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 complaint 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.

# Part 2 - Scope

## What can be complained about under this Policy?

1. The University defines a complaint as an expression of dissatisfaction about something the University has done or not done in relation to teaching or services that have been provided. It includes complaints that the University has limited or infringed a student’s freedom of speech within the law.
2. The Complaints Policy cannot be used to:
   1. Raise third party complaints on behalf of a Complainant. This includes parents, guardians, relatives or the spouse or partner of a Complainant. Only in exceptional circumstances, or where required as a reasonable adjustment under the Equality Act 2010, will a complaint be considered if, written authorisation and valid reasons have been provided by the Complainant.
   2. Raise complaints about Assessment Board or Engagement Panel decisions for progression, assessments and awards. Any issues regarding these decisions should be raised by way of the Appeals Policy and Procedure.
   3. Challenge matters of academic judgment or clinical judgment; this may include judgment about marks awarded, degree classification, research methodology, whether feedback is correct or adequate, or the design of the course content or outcomes.
   4. Raise complaints about students’ conduct or against other students at the University. Any such issues should be raised by way of the Student Conduct policy.
   5. Raise a complaint regarding Data Protection, this should be raised in the first instance with the Data Protection Officer for the University.
   6. 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.
   7. Raise issues that:
      1. have already been the subject of completed legal claim in any court or tribunal,
      2. are the subject of ongoing legal proceedings, unless those proceedings have been put on hold, or
      3. which have already been raised in a pre-action letter of claim, which the University is preparing a response to.

If a complaint raises the same issues as ongoing 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 Complainant confirms that they do not require a response to the letter of claim. If a Complainant has already received a response to their letter of claim, they can raise the same issues in a complaint.

* 1. Raise issues relating to arising from a complainant’s employment with the University.
  2. Reconsider a complaint or aspects of a complaint that has already been considered through the Student Complaints policy.
  3. Complain against the Students’ Union, such complaints should be made by way of the Students' Union Complaints Procedure.

## Who can complain using this Policy

1. Under this policy the University will investigate complaints made by:
   1. Students (including apprentices);
   2. Applicants; and
   3. Former students
2. A person is considered a student once they have accepted an offer from the University.
3. An applicant is defined as someone who has applied to the University has not yet accepted an offer at the University. It is recognised that an applicant may become a student during the course of a formal complaint investigation.
4. For the purposes of this policy a student, applicant or former student who has made, or wishes to make, a formal complaint will be referred to as a complainant.
5. If an employer of an apprentice wishes to raise a Formal complaint with the University, then this should be directed to the Complaints Policy and Procedure for Apprenticeship Employers. Apprenticeship Employers cannot complain under this policy.

## Time Limits for making a Complaint

1. All complainants are encouraged and expected to raise any problems or issues as soon as the action or omission occurs, and in any event 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 will be deemed invalid unless there is good reason accompanied by supporting evidence for the delay.
3. Complainants will be provided with a Completion of Procedures letter, if the complaint is rejected because it has been submitted late or falls under issues that will not be considered under this procedure as described in paragraph 9.

## Group Complaints

1. Complainants may complain individually or as part of a group. If complainants complain as part of a group, the complaint form should include:
   1. contact details for each complainant, and
   2. details for up to two group representatives to facilitate communications for the purposes of the formal procedure.
2. Complainants who have made a group complaint 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.

## Anonymous complaints

1. Complainants can report incidences that they have either personally experienced or have witnessed regarding 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.

## Multiple Procedures

1. Connected issues may fall under more than one University procedure (for example: academic appeals and formal complaints)
2. Submitting a complaint does not prevent the University from pursuing other procedures with the complainant. 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, Complainants will be informed by the Student Casework Office (or the impartial nominee) which procedure is being pursued and which procedure in being suspended.

# Part 3 - Procedure

## Early Resolution

1. The University aims to resolve complaints in a reasonable timeframe and fairly. We encourage a culture of listening to complainant feedback and share, where appropriate, the actions the University has taken to respond to concerns.
2. The early resolution stage provides the opportunity for complainants to raise concerns before escalating them into a formal complaint. Early resolution is encouraged to address straightforward concerns swiftly and locally without the requirement of completing and submitting a formal complaint form.
3. Early resolution could include attempting to resolve the matter (face-to face or by way of a written dialogue) with the person responsible for the course, subject area or service, or the person considered the most appropriate member of staff. For example, but not limited to:
   1. Teaching related – Module Tutor, Module Leader, Course Leader, Head of Subject Area
   2. Service related – Manager or Head of the relevant Professional Service Department
4. If Complainants 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. Complainants 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 Complainants would like to seek advice, they should contact the Students’ Union.
5. Early resolution is an optional stage of this procedure. Although, no timeframe is given, it is expected that complainants should be kept updated in a reasonably timely manner throughout this stage and aimed to be dealt with as the circumstances will reasonably allow.
6. Should complainants be dissatisfied with the response, they should consider making a formal complaint.
7. Complainants who wish to pursue a formal complaint at this stage, should complete and submit a Stage 1 Formal Complaint Form and any supporting evidence to the Student Casework Office.
8. If the Student Casework Office receive an informal complaint, with Complainants’ 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. All complainants who want to make a formal complaint must 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.
2. 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.
3. Complainants are asked to clearly state the issues they complain of and to indicate the remedy they are seeking. Complainants may be asked to clarify the issues they want to raise.
4. As this is an evidence-based process, complainants should 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.
   2. 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.
   3. 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.
2. 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.
3. After taking into consideration each ground in paragraph ‎33 above, where there are reasonable grounds, the Student Casework Office, (or the impartial nominee) shall investigate the complaint.
   1. Complainants 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.
4. The investigation will consider 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.
5. Complainants are asked to provide all the evidence they wish to rely on when submitting the complaint, however, the Student Casework Office, 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, Complainants shall be given 5 working days’ notice.
   1. Complainants 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. Complainants 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. Complainants 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 and Complainants have chosen not to attend.
6. When making any findings, the investigator shall decide any issues on the balance of probabilities.
7. Once the investigation 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.
8. If the investigation cannot be completed by the expected date, the person investigating the complaint will inform the complainant of the delay and give an indication of when the expected outcome is likely to be received.
9. Complainants who are dissatisfied with the outcome may wish to proceed to the Final Complaint Review stage.
10. Complaints that do not proceed to Final Complaint Review stage after 10 working days from the date of the Stage 1 outcome letter will be considered as closed. A Completion of Procedures letter can be provided upon request, although Complainants should be aware that the University’s internal processes are not complete at this stage.

## Final Complaint Review Stage 2

1. Complainants 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.
2. 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.
3. 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.
4. 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 sent back to the Formal Complaint stage for consideration.
5. The Final Complaint Review will be considered by the Head of Student Casework or nominee. A nominee will be chosen where the Head of Casework is not available, or there is a conflict of interest, such as being involved in the issues that led to the formal complaint. The nominee will be a member of the Student Casework Office, or suitably trained member of staff.
6. The Final Complaint Review 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 Complainant. 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 Complainants 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.
7. Complainants should clearly set out the grounds on which a review is being requested and how the particular grounds apply.
8. 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 (CoP) letter will be provided within 10 working days of receipt of the Final Complaint Review.
9. 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. Complainants 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. Complainants 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. Complainants can request a CoP letter where a review outcome decision is upheld. A CoP letter will not automatically be issued to Complainants following on from an upheld outcome.
   5. If the investigation cannot be completed by the expected date, the Student Casework Office will inform the Complainant of the delay and give an indication of when the expected outcome is likely to be received.

## Completion of Procedures

* At this point, complainants have completed the University’s internal procedures. Students or Former students who remain dissatisfied with the outcome have the right to submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Applicants generally cannot submit a complaint to the OIA.

## Early termination of a complaint

1. The University may terminate or suspend a Formal Complaint or Final Complaint Review without giving an outcome where:
   1. The complaint or complaint review is an inappropriate or improper use of the complaints procedure (including where it has been made with the intention of causing harm; is being pursued, regardless of its merits, to harass, annoy or subdue somebody; or lacks any serious purpose or value);
   2. the complainant has unreasonably delayed during the complaint investigation (including by not replying to correspondence in a reasonably timely manner or not meeting time limits the University has set);
   3. the complainant has tried to mislead the University with regard to their complaint; or
   4. the complainant has acted aggressively, or offensively, or abusively, or unreasonably persistently, or has made unreasonable demands during the investigation or review.

# Part 4 – Specific Provisions

## Complaints about Staff

1. If aspects of a complaint relate to a member of staff’s conduct and, on the face of the complaint, such conduct could also fall under the University’s staff Disciplinary Procedure, the complainant will be asked to provide consent to share the contents of the complaint with the staff member in question, their line manager and Human Resources. If they do not consent, safeguarding procedures will take place regardless and complainants will be informed how this limits the scope of the investigation on a case-by-case basis.
2. Student Casework Office will then refer the matter to Human Resources to determine whether some or all aspects should be investigated under the University’s staff Disciplinary Procedure.
3. 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 the Student Casework Office may pause the complaint until other procedures are completed. It is important that complainants are aware of this from the onset to manage expectations.
4. It is not appropriate to share full details of proceedings under the staff Disciplinary with complainants, particularly whether disciplinary action may be taken against staff.
5. However, so far as it is reasonable, following investigation of the matter whether under the staff disciplinary policy or under this Complaint Policy, the Student Casework Office will provide the complainant with an outcome that deals with the substance of the core aspects raised and whether the complaint is upheld or not upheld. If Human Resources determines that further investigation is not required, the information provided in the complaint may still be used for statistical purposes, and for staff training.

## Collaborative/partner institutions

1. Academic complaints should be submitted following the procedure of the institution in which the Complainant is based. Complaints from students or former students of 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 relating to placements

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.
2. 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 complainant concerned, another student, the Placement Supervisor, or another academic member of making the complaint.
3. If complainant remains 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.
4. 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.