

# Guidance to Complainants on Complaints Procedure

2013/14

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A new complaints procedure was approved by the Board of Governors of the University on 26 September 2013, following consultation with the Students Union, the Deans, the Academic Board and the University's Executive Group. The procedure recognises that complaints are more effectively dealt with when issues are addressed quickly and at the lowest appropriate level. Accordingly, the procedure emphasises on the role of the Faculties and Departments when dealing with complaints.

This guidance is to assist complainants when submitting a complaint.

This document is guidance only and does not form part of the procedure. It is not intended to be followed to the letter – the procedure is intended to be flexible enough to recognise that different complaints may require different approaches.

The guidance is split into a description of the general process and guidance on specific requirements of the procedure.

## **General Process**

The general process for a complaint is as follows:

- If you cannot resolve the matter informally by approaching the person concerned or responsible for the matter, you should set out the complaint formally and refer it to the Faculty or Department
- The Faculty or Department will investigate;
- Once preliminary findings have been made, you will be asked to comment on them;
- Any comments will be considered when making the final decision;
- The decision can be reviewed internally by the University Secretary and after that by the Office of the Independent Adjudicator for Higher Education (subject to the rules of its scheme).

You can seek help from the Students' Union Casework Office by contacting:

[advocacy@londonmet.ac.uk](mailto:advocacy@londonmet.ac.uk)

[www.londonmetsu.org.uk](http://www.londonmetsu.org.uk)

## Specific Guidance on the procedural requirements

The paragraph numbers refer to numbering in the procedure itself.

2.1	<ul style="list-style-type: none"> <li>The complaints procedure is formal, but this should not discourage you from using it for anything you are dissatisfied with. The formality is to ensure that the complaint is properly dealt with and treated with the necessary seriousness.</li> </ul>												
2.2	<ul style="list-style-type: none"> <li>If you are unhappy with a decision shown in the table below, you cannot use the Complaints Procedure, because a different procedure will apply: <table border="1" data-bbox="347 591 1334 1375"> <thead> <tr> <th data-bbox="347 591 708 674">Decision</th> <th data-bbox="708 591 1334 674">Relevant Procedure</th> </tr> </thead> <tbody> <tr> <td data-bbox="347 674 708 801">Assessment Board</td> <td data-bbox="708 674 1334 801">Appeal under the Academic Regulations – please contact the Student Casework Office</td> </tr> <tr> <td data-bbox="347 801 708 929">Decision to terminate student status</td> <td data-bbox="708 801 1334 929">Appeal under the Academic Regulations – please contact the Student Casework Office</td> </tr> <tr> <td data-bbox="347 929 708 1115">Students' Union</td> <td data-bbox="708 929 1334 1115">Use the Students Union Complaints Procedure – please contact the Students' Union President</td> </tr> <tr> <td data-bbox="347 1115 708 1243">Another students behaviour</td> <td data-bbox="708 1115 1334 1243">This may be a disciplinary matter – refer it to the University Secretary</td> </tr> <tr> <td data-bbox="347 1243 708 1375">A legal claim</td> <td data-bbox="708 1243 1334 1375">This should be sent directly to the University Secretary</td> </tr> </tbody> </table> </li> <li>Complaints arising from matters at a partner institution of college should be first raised under their complaints procedure. The University will only review a complaint once the partner institution or college has had an opportunity to consider it.</li> <li>A complaint against academic judgment will not be considered as the academic staff are the best placed to make such a decision. However, not every decision by an academic is an academic decision. Similarly an academic decision (other than the decision of an Assessment Board) reached by an unfair process can be complained about.</li> </ul>	Decision	Relevant Procedure	Assessment Board	Appeal under the Academic Regulations – please contact the Student Casework Office	Decision to terminate student status	Appeal under the Academic Regulations – please contact the Student Casework Office	Students' Union	Use the Students Union Complaints Procedure – please contact the Students' Union President	Another students behaviour	This may be a disciplinary matter – refer it to the University Secretary	A legal claim	This should be sent directly to the University Secretary
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2.3	<ul style="list-style-type: none"> <li>General feedback (that is where you are not looking for a specific outcome other than for your comments to be considered) should be made to the course</li> </ul>												

	<p>Student Academic Representatives (StARs). If you want a particular remedy then please use the complaints procedure.</p> <ul style="list-style-type: none"> <li>• If you want to raise issues of malpractice, that is <ul style="list-style-type: none"> <li>○ Fraud or financial irregularity (allegations will be handled under the Fraud Response Plan)</li> <li>○ Corruption, bribery or blackmail (see Anti-Bribery and Corruption policy for further information)</li> <li>○ Criminal offences</li> <li>○ Failure to comply with a legal or regulatory obligation</li> <li>○ Miscarriage of justice</li> <li>○ Endangering the health or safety of any individual</li> <li>○ Endangering the environment</li> <li>○ Improper use of authority</li> <li>○ Serious financial maladministration arising from the deliberate commission of improper conduct</li> <li>○ Research misconduct</li> </ul> </li> <li>• You should use the University’s Public Interest Disclosure (Whistleblowing) Policy. If you are considering this do reflect carefully on how you are construing your complaint. As its name suggests, the Public Interest Disclosure (Whistleblowing) Policy is for matters of public interest, not matters of personal dissatisfaction.</li> </ul>
2.4	<ul style="list-style-type: none"> <li>• The University anticipates that only very rarely will complaints be dismissed because the complaint is frivolous or vexatious or because of the way in which the complaint is brought. However, complaints that are obsessive, persistent, harassing, repetitious, which pursue unrealistic outcomes beyond all reason or which ask for redress which lacks any serious purpose or value may be dismissed.</li> <li>• Similarly a complaint may be dismissed if your behaviour is unacceptable. While the University accepts that the circumstances giving rise to a complaint may be stressful or frustrating, you must not be aggressive, offensive or abusive. Similarly do not make unreasonable demands or bombard the person dealing with your complaint with letters, emails or telephone calls;</li> <li>• If you want to see the person dealing with your complaint, please make an appointment. You may not be seen without an appointment.</li> </ul>
3.1	<ul style="list-style-type: none"> <li>• We strongly recommend that you try to resolve the matter informally by</li> </ul>

	<p>approaching the person responsible, but we understand that in some cases it may not be appropriate and we would not reject your complaint if you do not try to resolve the matter informally.</p>
4.1	<ul style="list-style-type: none"> <li>• Using the standard complaint form helps you to structure your complaint and for us to understand it more easily;</li> <li>• We do not accept anonymous complaint or complaints made on behalf of others (unless they have given their written permission);</li> <li>• When setting out the issues be concise and give details of what has happened (who, what, when, where and how!) Forwarding strings of emails is not appropriate. If you say there has been a breach of any regulations or standard let us know what regulations or standard you have applied. It is for you to summarise your complaint, not for the University to try and work out what it is.</li> <li>• You must include all the evidence you want to rely on. If you want to make the complaint and provide more evidence later, you can, but you should say when you expect the evidence will be provided; the complaint will not be investigated until you confirm that you have supplied all the evidence you want to rely on. In addition the additional evidence should be provided within a reasonable period.</li> <li>• Old complaints are very difficult to investigate and resolve, so there is a time limit. Complaints made after the time limit (of 3 months) can be considered, but only if you have a good reason for the delay. Make sure you have evidence, such as a doctor's letter/medical certificates for any illness or condition.</li> <li>• Complaints should be sent to the relevant Faculty or Professional Service Department. The contacts are listed on the University Secretary's webpages <a href="http://www.londonmet.ac.uk/complaints">www.londonmet.ac.uk/complaints</a>.</li> </ul>
4.2	<ul style="list-style-type: none"> <li>• You may find it useful to seek help and advice about making a complaint.</li> <li>• The Students' Union casework team can help you with the process and can advise you on the complaint itself (such as what evidence you could to include).</li> <li>• The University Secretary's Office can give you advice about the procedure. It cannot give any advice regarding the complaint itself.</li> </ul>
5.1	<ul style="list-style-type: none"> <li>• The University does not have a fixed timescales for dealing with a complaint, as it can vary depending on the nature of the complaint. However, we usually estimate this to be between 6 and 8 weeks. It may take longer at particular times of year, such as during the exam periods and the summer and Christmas breaks.</li> </ul>

5.2	<ul style="list-style-type: none"> <li>You may be asked for more information or to attend a meeting. You are expected to cooperate with any such request. You cannot just file a complaint and forget about it if you want your side to be properly heard. Ultimately, if you do not cooperate (by providing the additional information or attending meetings), the decision will be based on the information to hand, which may mean that is not enough evidence to uphold your complaint.</li> </ul>
5.3	<ul style="list-style-type: none"> <li>While the University will try to schedule meetings at times convenient for you this may not always be possible and you will be expected to be flexible. You should advise the person arranging the meeting who you intend to bring with you in advance of the meeting. Additional information handed over at the meeting, is unlikely to be considered at a meeting (remember you should have provided all your evidence when you made your complaint).</li> </ul>
5.4	<ul style="list-style-type: none"> <li>If you are invited to a meeting, you are entitled to be accompanied provided they are a student of the University, a member of the Students' Union staff or a member of University staff. You are not entitled to legal representation, as this is not intended to be a hearing, but rather is a fact finding process.</li> <li>If you are disabled and you want to be accompanied by someone who is not a student of the University, a member of the Students' Union staff or a member of University staff (for example, your parent or support worker), please let the person investigating your complaint know, as it will often be appropriate to allow this.</li> </ul>
5.4	<ul style="list-style-type: none"> <li>The initial report can be as simple as an email or as detailed as a full report. You will not necessarily be given all the evidence as it may include other people's personal information, but you will be given a summary of the evidence.</li> </ul>
5.5, 5.6 and 5.7	<ul style="list-style-type: none"> <li>You should set out your comments on the report in a way that makes it easy to see which bit of the report each comment relates to. Your comments should say whether you accept or reject a particular finding. If the report uses numbered paragraphs, then refer each comment to the numbered paragraph.</li> <li>If you reject a particular finding you should say why. You can submit additional evidence showing why you have rejected it.</li> <li>The comments should be restricted to the findings in the report. It is not an opportunity to add in extra issues.</li> <li>The report <i>may</i> indicate what remedy is proposed. This is not a final decision</li> </ul>

	<p>and even if you accept the findings you can give your comments on the remedy.</p> <ul style="list-style-type: none"> <li>• If you don't provide any comments you will be taken to accept the findings.</li> <li>• Just because you reject the findings does not mean that the complaint will be upheld, but your comments will be taken in account.</li> </ul>
5.8	<ul style="list-style-type: none"> <li>• Once the decision has been made and sent to you, if you are happy with the outcome, please let the Faculty or Department know. If any remedy or outcome is not put in place then please raise this with the relevant Faculty or Department.</li> </ul>
6.1	<ul style="list-style-type: none"> <li>• You have a right to request the University Secretary to review the decision. However you cannot request a review just because you disagree with the decision – you must say how the decision breaches one of the grounds set out in paragraph 6.1 of the Complaints Procedure.</li> <li>• By way of guidance only, <ul style="list-style-type: none"> <li>○ a decision maker will have misapplied a policy or regulation if they have ignored it entirely or if they have interpreted it wrongly. In this context regulation includes the law, so if a particular law is relevant and has not been taken into account, this can form grounds for appeal.</li> <li>○ a procedural error means a breach of the Complaints Policy (or another University policy or procedure that may apply). It also includes breach of rules of fairness, such as bias or making a decision in a matter which they are involved in.</li> <li>○ The University will allow the decision maker certain autonomy when deciding how to interpret the evidence. Accordingly, merely because evidence can be interpreted a different way is not grounds for appeal, unless the interpretation given by the decision maker is the opposite of what would usually or reasonably be expected.</li> <li>○ If no reasons were given, the University Secretary is likely to ask the decision maker to give reasons. It is unlikely that this will lead to the decision being overturned.</li> </ul> </li> </ul>
6.2	<ul style="list-style-type: none"> <li>• There is a time limit for requesting a review. Requests for a review made after the time limit can be considered if you have a good reason for the delay, but make sure you have evidence, such as a doctor's letter/medical certificates for any illness or condition.</li> </ul>

	<ul style="list-style-type: none"> <li>• The request must be in writing and must set out your grounds for requesting a review.</li> </ul>
6.3	<ul style="list-style-type: none"> <li>• As a review is only a check on whether the original decision was correct in the circumstances it was made, the University Secretary will not consider new evidence that the original decision maker did not have.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Most complaints made by students will have a right to complain to the Office of the Independent Adjudicator for Higher Education (“the OIA”). The OIA has published guidance on what complaints they will look at on their website at <a href="http://www.oiahe.org.uk">www.oiahe.org.uk</a>. However, the following are types of complaint the OIA cannot look at even if the University has considered them under the Complaints Procedure: <ul style="list-style-type: none"> <li>○ admission to the university;</li> <li>○ student employment;</li> </ul> </li> </ul>