

London Metropolitan University

Complaints Procedure

2014/15

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1 Purpose

- 1.1 The University is an adult learning environment, and accordingly we expect both students and staff 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 this procedure 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.
- 1.4 Reasonable adjustments will be made to this procedure so that a disabled complainant is not substantially disadvantaged by the procedure.

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 any other user of the University's services.
- 2.2 Under this procedure 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 services provided by the Students' Union. These are covered by the Students' Union complaints procedure;
 - 2.2.4 a complaint about another student's behaviour. This should be reported to the University Secretary, as it may be misconduct;
 - 2.2.5 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 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.
- 2.4 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

- 3.1 Before submitting a complaint under this procedure you 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 you are not satisfied with the response, you should submit a complaint under this procedure.

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. The University does not accept complaints brought on behalf of another person, unless that person has specifically given written permission;
- 4.1.3 state the issues about which the complainant wishes to complain and what outcomes 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 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);
- 4.1.7 be submitted to the Dean of the relevant Faculty or Head of the relevant Professional Service Department or their nominees (a list of the nominated contacts are available on the University Secretary's Office webpages). Where a complaint relates to more than one Faculty 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 Faculty 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 Faculty or Professional Service Department will investigate the complaint within a reasonable time. What is a reasonable time will depend on the nature of the complaint and evidence submitted with it;
- 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 Where 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 Dean or Head of Department (or the Deputy University Secretary) or their nominee shall provide a written report to the complainant which sets out the initial findings in relation to each issue raised together with a summary of the evidence supporting each finding;
- 5.5 The complainant shall be asked to comment on the initial findings by indicating if they accept or dispute the initial findings within 3 weeks from the date the report is supplied to the complainant;
- 5.6 If the complainant does not respond, they will be taken to accept the initial findings;
- 5.7 If the complainant objects to the initial findings, they shall state their reasons for the objection and shall provide all evidence that they rely on to support their objection. The reasons and evidence shall be provided within 3 weeks from the date the report is supplied to the complainant. The complainant will be asked to confirm that they have submitted all relevant evidence;
- 5.8 After the receipt of the complainant's response to the initial findings, or after the 3 week period has elapsed, the Dean or Head of Department or their nominee shall, (within a reasonable time) come to a decision on the complaint (or that part of the complaint that relates to their Faculty or Department). The Dean or Head of Department (or the person who has been coordinating the investigation of the complaint) shall notify the complainant of the decision(s) in writing promptly after making a decision.

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 there was a serious procedural error (whether of this procedure 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;
 - 6.1.3 the decision(s) is not supported by the evidence;
 - 6.1.4 no reasons for the decision were given.
- 6.2 The request for a review must be in writing and state the grounds on which the decision(s) should be reviewed. The request must be received by the University Secretary within 2 weeks of the decision(s) being sent.
- 6.3 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.
- 6.4 After reviewing the decision(s) the University Secretary may:
 - 6.4.1 affirm, set aside or vary any finding or decision reached;
 - 6.4.2 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;
 - 6.4.3 investigate (personally or by a nominee) the complaint afresh.
- 6.5 The outcome of the review will be communicated to the complainant in writing and will advise them of their right to seek external review by the Office of Independent Adjudicator for Higher Education (“the OIA”).

7 External review

- 7.1 External review may only be sought once a complainant has completed both the complaint and review stage of the procedure.
- 7.2 In the event that the complainant remains dissatisfied, they may seek review from the Office of Independent Adjudicator established for this purpose. The University Secretary will provide details of how to proceed with such an application on the completion of the University’s procedures.