# External Complaints Procedure

Procedure owner: Director of Governance and Legal

Author if different from above: N/A

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**PROCEDURE FOR COMPLAINTS BY PERSONS EXTERNAL TO THE UNIVERSITY**

The University aims to provide a quality service which meets the highest expectations of its staff. It welcomes all constructive feedback on its activities, whether positive or negative, and understands that, from time to time, people or organisations external to the University may be dissatisfied or concerned with the way the University, its staff or students have acted.

This procedure aims to provide a mechanism which will deal with genuine complaints of impropriety, irregularity, misconduct, poor performance or ineffectiveness against Middlesex University in a timely and open way.

The University aims to learn from all complaints, taking appropriate steps, where necessary, to improve services, and to better support the wider community.

## 1. Who may complain?

1.1 Any person or organisation external to the University who is affected by the activities of the University including those receiving or seeking a service or who have been subject to a decision of the University and who feel that their expectations may not have been met.

1.2 This procedure does not apply:

1.2.1 Where the University is not involved with the matter to which the complainant refers;

1.2.2 Where the University is not in a position to take any action in response to the complaint;

1.2.3 Where the complaint is made anonymously;

1.2.4 Where a complaint is made by a third party on behalf of someone else, unless they have given their express consent for the complaint to be made on their behalf, and where this consent has been given directly to the University;

1.2.5 Where an excessive amount of time has elapsed between the incident that gave rise to the complaint and the date on which the complaint is made;

1.2.6 Complaints relating to matters which fall under the scope of the University's Public Interest Disclosure (Whistleblowing) Code of Practice Complaints | Middlesex University;

1.2.7 Complaints which would be more appropriately addressed under another University policy or procedure, including but not limited to those made by:

- applicants for courses of study at the University
- current students, or family member on behalf of a student where the student has consented for another party to act on their behalf
- former students where the subject of their complaint relates to their student experience but falls outside the timescales for raising complaints;
- employees of the University;
- Complaints about the activities of the Students' Union
- individuals who have been candidates in employee recruitment and selection exercises;

See Complaints | Middlesex University for other relevant complaints procedures

1.2.8 Where complaints are frivolous, vexatious or malicious (for example repeated or persistent complaints which are manifestly trivial, or unfounded) or where the complaint is accompanied by abusive, defamatory, aggressive or threatening behaviour. In such cases, the University reserves the right to take further action (for example, legal steps) appropriate to such complaints;

1.2.9 Where a complaint has been resolved but the complainant is not prepared to accept the response from the University; and

1.2.10 Complaints where there is statutory or equivalent right to complain or appeal, for example: in relation to rights of access under the UK's data protection laws, the Freedom of Information Act 2000, the Environmental Information Regulations 2004, or to the Office of the Independent Adjudicator.

## 2. What you can expect from the University

2.1. The University will:

2.1.1. Deal impartially with your complaint within reasonable time frames and in a polite and straightforward way.

2.1.2. Encourage informal early conciliation where possible.

2.1.3. Maintain confidentiality throughout the complaints process, revealing information to others only to the extent necessary to complete a proper investigation and make a considered response and keeping the record of your complaint separate from other records.

2.1.4. Ensure that no complaint made in good faith will be used to your disadvantage in future.

## 3. Before you make a formal complaint (informal resolution)

3.1 Consider whether there are more appropriate procedures to make your point such as suggestion schemes or other feedback mechanisms.

3.2 Complaints can often be resolved satisfactorily and dealt with quickly on an informal basis. If possible, you should contact the member of staff most directly involved in the situation with a view to resolving any issues on an informal basis as soon as possible and in any event within a calendar month of the situation arising.

3.3 Wherever possible and appropriate, you should contact the member of staff most directly involved with the situation with a view to resolving the issues informally. The member of staff dealing with the informal complaint will attempt to take any appropriate and necessary action to resolve the issue.

## 4. What information should your complaint contain?

4.1 The background to the complaint including dates and times of any particular incidents and the names of any people against whom you are complaining or who can provide evidence in support of your complaint.

4.1.1 Where a complaint contains allegations of misconduct, impropriety, discrimination, harassment, poor performance, or any other alleged wrongdoing, the complainant must provide clear and specific evidence in support of those allegations wherever possible. Such evidence may include correspondence, documents, records, screenshots, photographs, witness details, or other relevant material. The University will not normally investigate allegations that are unsupported by sufficient information to enable a fair and proportionate investigation.

4.1.2 The complainant is responsible for ensuring that any allegations made are honest, made in good faith, and supported by facts known to them. The University reserves the right not to pursue allegations that are unsubstantiated, speculative, or unsupported by evidence.

4.2 Any specific issues which you want to be addressed.

4.3 What outcome(s) you hope to achieve from the external complaints process.

## 5. Stage 1 - Making a formal complaint (Stage 1)

5.1 If you wish to make a formal complaint, this should be done as soon as possible. In any event, complaints should be received by the University within a calendar month of the situation arising that is the cause for complaint. Any complaints received after this period will not be considered. To initiate a formal complaint, you must complete the external complaint form which can be found at the end of this document at Appendix 1. If you are unsure of who should deal with your complaint you may direct it to the Director of Governance (uetsupport@mdx.ac.uk), who will direct to the most appropriate person on your behalf.

5.1.1 Where more than a calendar month has elapsed since the incident or situation about which you are referring, consideration will be given to any

circumstances which have caused a delay in the complaint being made and in particular with regard to why you have been unable to contact the University earlier, for example due to health reasons.

5.1.2 Delays can mean that it will be more difficult to investigate a matter where recollections are required, or records may no longer exist and so no complaints can be considered beyond six months after the incident or situation being complained about.

5.1.3 The University may request further information or evidence where this is required to understand or investigate the complaint. Where sufficient information or evidence is not provided, the University may decline to investigate all or part of the complaint.

5.2 An Investigating Officer, normally the relevant Dean of Faculty or Director of Service, or their nominee, is responsible for determining the appropriate measures to investigate the complaint and recommending any actions to bring the matter to a satisfactory conclusion. The staff member will attempt to resolve the complaint and will write to you with one of the following outcomes:

- The complaint has been resolved.
- The complaint requires more time to investigate the matter(s) raised.
- The complaint can be resolved (in a specified time, if possible).
- The complaint cannot be resolved in the way you require and you can pursue a final review if you wish.

5.2.1 If the complaint relates to a member of staff who would otherwise be likely to have involvement in the investigation or resolution of any complaint, the Director of Governance will ensure that an alternative member of staff who is independent of the matter of the complaint is identified to act in the appropriate capacity.

5.2.2 A full and considered response will usually be made within a calendar month of receipt of your complaint. If the investigation cannot be completed in that time for good reason (such as staff unavailability due to leave) or the matter is complex, you will be advised of a revised timescale.

5.2.3 We will maintain confidentiality throughout the complaints process, revealing information to others only to the extent necessary to complete a proper investigation and make a considered response. You should be aware than in some cases, this may involve identifying you as the complainant.

5.2.4 Please note that due to the University's obligations under data protection legislation the University is required to maintain confidentiality in relation to staff and student disciplinary matters. This means that where the investigation of your complaint is conducted under any disciplinary procedure you will only be informed that your complaint has been investigated in accordance with the relevant disciplinary procedure and that appropriate action has been taken in accordance with that procedure. This will signal the conclusion of the matter. No Stage 2 (Final Review) process is available for complaints relating to staff or student disciplinary matters. However, the University is committed to learning broader lessons from such processes, and we will amend any policies and procedures in light of relevant findings, where appropriate.

## 6. Stage 2 (final review)

6.1 In the event that you remain dissatisfied with the outcome under Stage 1, you may request a Review that will be conducted by a member of the University's Leadership Team, referred to as the 'Reviewer'. In order to request a review you will need to complete the form set out at appendix 2 and return it to the Director of Governance within two weeks of the date of the letter, email, etc, advising you of the outcome of the Formal Complaint at Stage 1. The Director of Governance will appoint a suitable, independent reviewer.

6.1.1 The request for a Review must make it clear why you are not satisfied with the outcome at Stage 1 and specify the grounds for the request. The grounds include but are not limited to:

- Lack of procedural fairness e.g., bias, or perceived bias or procedural irregularity/administrative error that has materially disadvantaged you.
- New evidence or evidence that was not available at the time the initial decision was made at Stage 1.
- The initial decision at Stage 1 was manifestly unreasonable (a decision that no reasonable decision-maker would make).

6.1.2 In all the above cases, it is your responsibility to demonstrate, through evidence, that you have a valid ground to request a Review.

6.2 A full and considered response will be made within a calendar month from acknowledgment of your complaint. If the investigation cannot be completed in that time for good reason (such as staff unavailability due to holidays) or the matter is complex, you will be advised of a revised timescale.

*6.3* Where the conclusion of an investigation leads to a series of recommendations/ actions to be taken these will be passed to the Director of Governance for approval ahead of notification to the complainant.

6.4 The decision made at the end of this stage is final and there will be no further avenue of review in the University. If there is any external review body to whom the matter can be referred, (such as the Information Commissioner's Office or Office of the Independent Adjudicator) we will advise you of this when we report the outcome of the final review.

**Appendix 1**

**External Complaint Form**

This form is to be completed by people who wish to make a formal complaint under the University's External Complaints Procedure

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| Full name: |
| Correspondence details including email address and contact phone number: |
| Date of incident: |
| Today's date: |
| Outline of your complaint:<br>Please include the circumstances relating to the matter you are complaining about, the date(s) of actions (please use additional sheets if necessary).<br>Please explain here what steps you have taken, together with dates, to resolve your complaint informally. If no such informal steps have been taken, please explain why this was not considered appropriate: |
| Please explain why you are not satisfied with the response you have received from the University: |
| Please indicate what outcome or further action you would like from the University: |
| **Declaration**<br>I declare that the information given in this form is true, and that I would be willing to answer further questions relating to it if necessary.<br><br>Signed : |
| Please note: |

- If it falls within its scope, your complaint will be considered in accordance with the University's External Complaints Procedure.
- By submitting this and any subsequent forms, you are confirming that the information given in this form is true, accurate and complete, and that you are willing to be contacted in relation to your complaint.
- During the processing of your complaint, any person mentioned above or involved with the matter you are complaining about or with any informal complaints may become aware that a formal complaint has been submitted.
- Any personal data provided on this form and during the consideration of your complaint will be processed in accordance with data protection legislation and only for the purpose of considering your complaint. Further information is available from uetsupport@mdx.ac.uk.

If you require an alternative version of this form please advise the Director of Governance at: uetsupport@mdx.ac.uk

**PLEASE RETURN THIS FORM TO ONE OF THE FOLLOWING AT THE ADDRESS BELOW:**

**Complaints relating to Faculties:** Dean of the Faculty to which the complaint relates.

**Complaints relating to Services:** Director of Service to which the complaint relates.

**If you are unsure to whom the form should be returned**, please send it to Teresa Kelly, Director of Governance, at uetsupport@mdx.ac.uk who will ensure it reaches the appropriate recipient.

**Appendix 2**

**External Complaint Review Request**

This form is to be completed by people who wish to request a review of the University's response to an external complaint

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| Full name: |
| Correspondence details including email address and contact phone number: |
| Date of stage 1 response to you: |
| Your reasons for requesting a review (Please explain as fully as you can why you disagree with the University's decision, noting the review guidance set out in the external complaints procedure): |
| Please indicate what outcome or further action you would like from the University: |
| **Declaration**<br>I declare that the information given in this form is true, and that I would be willing to answer further questions relating to it if necessary.<br><br>Signed : |
| Please note:<br>• This request for a Review must make it clear why you are not satisfied with the outcome provided by the University specifying the grounds for the request. In all cases, you need to demonstrate, through evidence, that you have a valid ground to request a Review.<br>• The Director of Governance will determine whether you have demonstrated that a Review is justified. |
| If you require an alternative version of this form please advise the Director of Governance at: uetsupport@mdx.ac.uk |
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