



## Student Complaints Procedure

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<b>Version</b>	5
<b>Amendments</b>	<ul style="list-style-type: none"> <li>• Commissioning of an External Investigation where appropriate.</li> <li>• Establishment of a First Response Panel where appropriate.</li> <li>• Clarification of Interdependencies between this Procedure and Dignity and Respect: Anti-bullying and Harassment Policy &amp; Student/Staff Disciplinary Procedures.</li> <li>• Editorial changes.</li> <li>• Ability to instigate an immediate remedial action, where appropriate, at Stage 3.</li> </ul>
<b>Related Policies &amp; Procedures</b>	<a href="#">Dignity and Respect: Anti-bullying and Harassment Policy</a> <a href="#">Academic Appeals Policy &amp; Procedure</a> <a href="#">Student Disciplinary Procedure</a> <a href="#">Safeguarding Framework</a> <a href="#">LSHTM Values Behavioural Framework</a>

### 1. SCOPE (i.e. who does this affect)

- 1.1 The Student Complaints Procedure should be used by students who have a concern relating to their learning experience such as programme or module organisation, teaching or supervision; a service or facility provided by LSHTM; information provided in print, web or on social media; behaviour of other students or staff or, other similar matters.
- 1.2 Depending on the nature of behaviour of other students or staff reported, the matter could be referred to, and investigated under, [Student Disciplinary Procedure](#) or [Staff Disciplinary Policy and Procedure](#). The LSHTM [Safeguarding Framework](#) identifies relevant policies, procedures and guidelines in place to safeguard anyone who participates in or is impacted by our programmes and research, and the [LSHTM Values Behavioural Framework](#) sets out the standards of behaviour which all students should expect from LSHTM members of staff.
- 1.3 The Student Complaints Procedure can be used by students who have a complaint related to the actions or activities of the Student Representative Council (SRC) or the SRC Executive Officers.
- 1.4 If you are affected by bullying or harassment you may wish to resolve the behaviour informally. Please refer to the [Dignity and Respect: Anti-bullying and Harassment Policy](#) to help identify with whom you can discuss your situation in confidence and the possible options



available, or use the [Report and Support](#) tool. If informal efforts to resolve the issue have been unsuccessful or, where the issue warrants an immediate formal approach, it will be dealt with through this Procedure.

- 1.5 The Student Complaints Procedure does not apply to concerns relating to academic judgement about student progression, assessment or award – concerns about academic decisions should be made using the [Academic Appeals Policy & Procedure](#).
  - 1.6 The Student Complaints Procedure may not be used to appeal against disciplinary decisions made under the [Student Disciplinary Procedure](#).
  - 1.7 Complaints require full investigation to enable resolution. Where a complaint is made anonymously, it is unlikely to be possible to undertake such an investigation. For practical reasons therefore, no action will be taken in the event of a complaint made anonymously unless there are exceptional circumstances.
- 2. PURPOSE AND OVERVIEW** (i.e. brief statement on what the policy is and how it complies with national frameworks, legislation and other policies)
- 2.1 LSHTM seeks at all times to provide its students with high quality teaching and learning opportunities, services and facilities. Mechanisms exist for students to provide feedback on these aspects. We recognise, however, that there may be occasions when students are dissatisfied and may wish to complain. We also recognise that the making of complaints by students where they are dissatisfied can assist in identifying and addressing issues for the benefit of current and future students alike. LSHTM will normally deal with complaints by students under this Student Complaints Procedure.
  - 2.2 Students registered on joint programmes (that is, where the programme is offered in partnership with one or more other higher education institution) shall be covered by both institutions' complaints procedures. The determination of which institutional complaints policy is to be applied will be according to the right claimed or the matter complained of. As an example, a complaint about the refectory at one of the institutions would normally be handled under that institution's complaints procedure.
  - 2.3 Complaints made under the Student Complaints Procedure will be dealt with by LSHTM sensitively, fairly, proportionately, promptly and in accordance with our EDI principles. In order to achieve prompt resolution, we would normally expect students to raise any complaint to our attention at the time that it arises so that it can be addressed in good time. LSHTM will not normally consider complaints that are made more than 30 working days after the matters complained about, unless there is a compelling reason for the delay.
  - 2.4 There are a number of informal channels through which it is hoped that most problems can be resolved. If, however, a student needs to pursue a complaint formally, LSHTM will treat it seriously and impartially, on the basis set out in this document.
  - 2.5 Advice on how to use the complaints procedure is available from the Student Support Services or the Students' Representative Council.



### **3. PROCEDURE**

#### **3.1 APPLICATION AND IMPLEMENTATION OF THE PROCEDURE**

- 3.1.1 The complaints procedure only applies to complaints initiated and conducted by an individual student or group of students; a group of students should nominate a spokesperson for communications about the complaint. LSHTM will only consider complaints made through third parties (such as representatives) in exceptional cases where there is evidence that the student is unable to engage with the procedure them self and only where a student expressly authorises a third party in writing to make a complaint on their behalf.
- 3.1.2 Where the Procedure specifies timeframes within which actions should be completed, LSHTM will make every effort to comply with the stated time limits. If we are unable to comply (e.g. due to holiday periods, in complex matters or complaints involving a number of individuals, or in the absence of key individuals) we will provide the complainant with an explanation for any amendment to the normal timeframe and inform them of the new timeframe within which the action will be carried out.
- 3.1.3 In this Procedure any reference to named members of LSHTM staff also includes reference to a nominee and named staff may delegate their responsibilities to other appropriate members of staff without invalidating the Procedure. The identity of any nominees or members of staff to whom responsibilities are delegated will be notified to the complainant.
- 3.1.4 LSHTM aims to balance the rights of the student complainant and those of any person complained against; all parties must and will be treated with dignity and respect at all times. The complainant should not expect to suffer any reprisals for making a complaint in good faith, and any evidence of recrimination should be brought immediately to the attention of the Head of Registry. If, however, a complaint is judged to be malicious or vexatious, the complainant might be subject to disciplinary procedures.
- 3.1.5 LSHTM's Senate is responsible for oversight of student complaints.

#### **3.2 STAGE 1: INFORMAL RESOLUTION**

- 3.2.1 Generally, complaints are most easily resolved if they are raised at the time the problem first occurs and with the person/s directly involved. For teaching and learning matters this would normally be the relevant module organiser, programme director or doctoral supervisor. For matters relating to an LSHTM service, facility or administrative process this would normally be the person providing the service, facility or administration or their direct line manager.
- 3.2.2 Students can obtain guidance on where to direct an informal complaint from such areas as a Student Advisor in Student Support Services, Registry or a Faculty Associate Dean Education.
- 3.2.3 Students who believe that their complaint has not been appropriately, fairly or reasonably addressed though informal resolution may proceed to Stage 2 below.



### 3.3 STAGE 2: FORMAL INVESTIGATION AND RESOLUTION

- 3.3.1 In order for the complaint to be considered formally, the complainant must put the complaint in writing using the [Student Complaints Form](#) and email it to [studentcomplaints@lshtm.ac.uk](mailto:studentcomplaints@lshtm.ac.uk). The complaint will be acknowledged within five working days of receipt by the Head of Registry, or their nominee. Where a member of staff is the responding party, both they and their line manager will also be notified within the same time period.
- 3.3.2 The Head of Registry will aim to notify the complainant of the outcome of the complaint within twenty working days of receiving a complaint.
- 3.3.3 The Head of Registry will refer the complaint to a Dean of Faculty, Head of Professional Service or similar senior staff member from outside of the Faculty or Service complained about who will act as Investigating Officer and undertake to investigate the complaint. For complaints against the Student Representative Council or SRC Executive Officer, the Head of Registry will notify the Director of Education Services, who will request Council to nominate the Investigating Officer. Where appropriate (i.e. in instances where there is limited internal expertise, such as where a complaint relates to alleged racist and discriminatory remarks or behaviours, sexual misconduct or bullying and harassment) LSHTM reserves the right to commission an investigation by an external impartial party. Where an external investigation is commissioned, LSHTM will also appoint an internal Investigating Manager to determine, based on the evidence contained in the external report, whether to uphold/dismiss the complaint and, if appropriate, set out recommendations for what action(s) will be taken to resolve the issue(s).
- 3.3.4 Depending on the nature of a complaint (e.g. where a complaint relates to alleged racist and discriminatory remarks or behaviours, sexual misconduct, bullying and harassment or a prolonged abuse of power), it may be appropriate to establish a First Response Panel to consider any immediate risks and put appropriate risk mitigations forward. The Panel will assess wellbeing and support needs of all parties and members of the School who may be impacted by the case and agree to next steps. This will be achieved through a robust risk assessment to consider the academic, welfare and support needs of the parties, and any interim measures necessary to ensure a fair and transparent investigation. Any interim measures will be proportionate to the nature of the risk(s) being managed and may include alternative working arrangements, provision of support, or a recommendation to partially or fully suspend a student or a member of staff (with authority from the HR Director).
- 3.3.4.1 The Chair of the Panel will be Director of Education Services or their nominee. There will be at least three members, including the Chair, and membership may include:
- a senior representative from the reported party's department/faculty;
  - an independent senior academic or senior professional services manager;
  - a senior HR Manager (where the reported party is a staff member);
  - a member of the Students' Representative Council Executive (where the reported party is a student);
  - a Legal Department representative;
  - a Student Support Services representative;
  - any other relevant party.

A representative from the Equality, Diversity & Inclusion department will attend all panels in an advisory capacity.



- 3.3.4.2 The Chair of the Panel will ensure that members have received appropriate training and that where possible, the Panel is diverse and reflects any relevant protected characteristics.
- 3.3.4.3 The membership of the Panel will be shared with the reporting party in advance of the meeting to ensure transparency and to manage any conflicts of interest.
- 3.3.4.4 The risk assessment and any interim measures that are put in place will be shared with both parties, reviewed regularly by the Panel and amended as appropriate.
- 3.3.4.5 All information disclosed as part of this process will be treated confidentially and sensitively and in accordance with data protection legislation.
- 3.3.5 The Investigating Officer may undertake whatever investigation they considers appropriate in all the circumstances in order to establish the facts of the case. In the interests of transparency, fairness and integrity, the investigation will normally be conducted through an open process, unless there are pressing reasons for any information or communications to remain confidential. As such, if meetings are held with the complainant, members of staff or other students as part of the investigation, notes will be taken and retained in the investigation record along with any correspondence or documents obtained. The complainant will be entitled to a copy of the investigation record including any notes from meetings that take place. Similarly, if the complaint is about another student or member of staff, they will be entitled to see all the relevant documentation, including the notes of all meetings.
- 3.3.6 LSHTM recognises that this may be a challenging time for all parties involved, and there is support available for both students ([Student Support Services](#)) and staff ([Employee Assistance Programme](#)). There is also a network of [Anti-Bullying and Harassment Advisors](#) and [Mental Health First Aiders](#). Persons who are the subject of a formal complaint will be provided with a liaison point to discuss their case with outside of the official investigation (should they wish to do so) and offered the right to be accompanied at any investigation meetings by either a trade union/SRC representative, work colleague or fellow student.
- 3.3.7 Following investigation, the Investigating Officer will either:
- 3.3.7.1 uphold the complaint as a whole or in part and set out recommendations for what action(s) will be taken to resolve the issue;
  - 3.3.7.2 dismiss the complaint if it is considered unjustified; or
  - 3.3.7.3 dismiss the complaint if it is judged to be trivial, vexatious or malicious (and refer the matter to the Student Disciplinary Procedure if appropriate).
- 3.3.8 The Head of Registry or their nominee will provide the complainant with a written decision from the Investigating Officer/Manager which addresses the main points of their complaint and gives reasons for the conclusion reached. The letter will also advise the complainant of their right to refer the matter to Stage 3 of the Student Complaints Procedure.
- 3.3.9 Where recommendations for actions are made as a consequence of the complaint, the complainant will be informed of what they are and when they will be implemented. Where these involve potential disciplinary actions, the matter will be referred to [Student Disciplinary Procedure](#) or [Staff Disciplinary Policy and Procedure](#) for consideration and relevant parties notified.



3.3.10 In certain circumstances it may be deemed necessary to also inform witnesses of the outcome.

3.3.11 If the complainant feels their complaint is resolved, they should indicate this to the Head of Registry in writing within ten working days.

### **3.4 STAGE 3: FINAL REVIEW**

3.4.1 If the complainant feels their complaint was not satisfactorily resolved under Stage 2, they may refer it back to the Head of Registry and request the matter be considered for Final Review. A request for Final Review should normally be made within ten working days of the date of the Stage 2 response letter. LSHTM may consider a request for Final Review after 10 days only where there is evidence of a compelling reason for the late request.

3.4.2 The complainant should set out under what ground they are seeking a Final Review and what remedy they seek.

3.4.3 Requests for consideration at Stage 3 Final Review may only be made on one or more of the following grounds:

3.4.3.1 a procedural irregularity occurred during Stage 2 of the procedure which materially disadvantaged the complainant;

3.4.3.2 the emergence of new and relevant material that was not reasonably available at the time of the consideration and determination of the complaint under Stage 2;

3.4.3.3 evidence of bias or that the judgement of the Stage 2 Investigating Officer was perverse.

3.4.4 No new ground of complaint may be raised at Stage 3, but the complainant may submit new, previously unavailable evidence in support of their case (subject to 3.4.3.2) or suggest a new remedy.

3.4.5 LSHTM aims to complete Stage 3 within 40 working days of the receipt of the complaint at Stage 3. If there is likely to be a delay the complainant will be informed of the reasons for this.

3.4.6 The Head of Registry will refer the Stage 3 Review request to the Pro-Director Education, or their nominee, to consider the handling of the complaint at Stage 2. The Pro Director Education, or their nominee, will decide whether the request for a Stage 3 Review should be rejected or whether there appears to be reasonable grounds (as set out above in 3.4.3) for a Review and the matter should therefore be considered by a Complaints Committee. In exceptional circumstances (e.g. where a clear procedural irregularity occurred during Stage 2) establishing of the Complaints Committee could be superseded by an offer of an immediate remedial action.

3.4.7 If the Pro Director Education, or their nominee, considers that the request does not meet any of the grounds for a Stage 3 Review (as set out above in 3.4.3) they will reject the request. This will complete LSHTM's internal procedures, and the complainant will be issued with a formal Completion of Procedures letter which will set out their right to refer the matter to the Office of the Independent Adjudicator (OIA) if the matter qualifies under its rules.



- 3.4.8 If the Pro Director Education, or their nominee, considered that there are grounds for a Final Review a Complaints Committee will be convened.

### **3.5 COMPLAINT COMMITTEE PROCEEDINGS**

- 3.5.1 The Complaint Committee will be chaired by the Pro Director Education or their nominee. The committee will normally include a senior academic or professional services staff member and a member of the Students' Representative Council Executive. If the Complaint is against the Student Representative Council or an SRC Executive Officer, the Pro-Director Education, or their nominee, will request Council to nominate a member of the Committee in place of the SRC Executive Officer. No member of the committee may have been associated with the complaint or be a member of the Faculty or Professional Service Department against whom the complaint has been lodged.
- 3.5.2 The Head of Registry, or their nominee, will act as Clerk to the Committee and prepare the documentation for the meeting, which will consist of the Stage 2 complaint form, the Stage 2 investigation record, the Stage 3 final review request and any appended documentation. The complainant may only submit further documentation for consideration by the Committee if they can demonstrate compelling reasons why it could not be submitted earlier and that it is clearly relevant to the case. The submission of additional documentation is subject to approval by the Chair of the Complaint Committee.
- 3.5.3 The Complainant and any individual complained about has the right to be accompanied by a supporter to the Complaint Committee. The Complaints procedure is internal to LSHTM and therefore the supporter should normally be an LSHTM student or staff member. Where there is a good reason to do so, the Chair of the Complaint Committee has the discretion to permit someone external to LSHTM to act as supporter. The supporter's role is to provide support to the individual during the meeting. They may not answer questions from the Committee on behalf of the complainant/person complained about, nor will they normally be permitted to address the Committee or otherwise directly participate in the proceedings. The Complainant and any individual complained about should notify the Clerk to the Committee of the name of any supporter at least one week prior to the meeting of the Complaint Committee.
- 3.5.4 The full complaint documentation will be sent to the complainant and anyone complained about at least one week before the committee is due to meet.
- 3.5.5 The committee, complainant and the service/individual complained about may call on witnesses. The Head of Registry should be notified of any witnesses at least two weeks prior to the committee meeting.
- 3.5.6 The committee Chair may, for good reason, refuse to allow a particular witness to be called.



### 3.6 COMPLAINTS COMMITTEE PROTOCOL

- 3.6.1 The committee will give fresh consideration to all matters which form the substance of the complaint as well as the way in which the complaint has been handled through stages one and two. However, it may not act as a disciplinary body.
- 3.6.2 If the complainant is unable, or does not wish, to attend the committee meeting or comply with the timescales this will not invalidate the proceedings and the meeting may be held in their absence.
- 3.6.3 The complainant and the person complained about or a representative of the relevant programme/service should normally be present for the full meeting up until the committee retires to consider their decision. Witnesses will normally only be present to provide their testimony to the committee and answer questions. The Chair will have authority to ask any person to leave the committee meeting for the purpose of maintaining good order.
- 3.6.4 The meeting of the Complaint Committee will normally be conducted as follows, but may be altered by the Chair for good reason and in keeping with the principles of fairness and transparency:
  - 3.6.4.1 The Chair introduces the committee and all parties present.
  - 3.6.4.2 The complainant presents a short summary of their complaint.
  - 3.6.4.3 The complainant calls any witnesses.
  - 3.6.4.4 The person complained about or representative of the relevant service/programme summarises their response.
  - 3.6.4.5 Any responding witnesses are called.
  - 3.6.4.6 The person complained about or representative of the relevant service/programme makes a short closing statement.
  - 3.6.4.7 The complainant makes a short closing statement.
  - 3.6.4.8 The committee retires to consider its decision.
- 3.6.5 During the committee meeting the committee members may question the complainant, the person complained about or representative of the relevant programme/service and any witnesses.
- 3.6.6 The burden of proof will be on the complainant and the standard of proof will be on the balance of probability.
- 3.6.7 Once both sides of the case have been presented (as set out in 3.6.4) the committee will retire to consider its decision. Everyone present with the exception of the Clerk to the committee will be asked to leave. The Committee decision will ideally be unanimous but may be reached by a majority vote of the members. The votes of individual committee members shall always be treated as confidential and there shall be no disclosure either of such votes or of information showing whether the decision was reached by a unanimous or a majority vote.



- 3.6.8 Once a decision is made, the Head of Registry, or his/her nominee, will aim to inform the complainant and Faculty/Professional Service representative or person complained about of the outcome of the hearing within fifteen working days. A Completion of Procedures letter and report of the committee meeting will be sent to the complainant confirming the final decision of the committee.
- 3.6.9 The Completion of Procedures letter will confirm that LSHTM's internal procedures have been exhausted and that the complaint is closed.

### **3.7 MONITORING AND REPORTING**

- 3.7.1 Once a complaint has been resolved and a Completion of Procedures letter issued, a brief record will be made for reporting to LSHTM's Senate.
- 3.7.2 To aid monitoring and reporting further, all complaints will be logged with [Report and Support](#).

### **3.8 OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION (OIA)**

- 3.8.1 If the complainant remains dissatisfied with the outcome of their Stage 3 complaint, they may refer this to the Office of the Independent Adjudicator for consideration under its procedures.
- 3.8.2 To seek an OIA review of the case, the complainant should first ensure that they have received the Completion of Procedures letter from LSHTM confirming the final decision. The OIA requires this letter as proof that the LSHTM's internal procedures have been exhausted.
- 3.8.3 The complainant must send their Completion of Procedures letter to the OIA within twelve months of the date of the letter, together with a completed OIA's Application Form.
- 3.8.4 The OIA will review both of these documents to assess whether the case is eligible for review under its Rules. Further details about the OIA can be obtained here: <http://www.oiahe.org.uk/>.