1. Introduction

1.1 The University is committed to full compliance with the Freedom of Information Act 2000 and to the proper processing of any complaints it may receive in relation to the University meeting its obligations under the legislation.

1.2 The Complaints Procedure set out below is in accordance with the requirements of the Lord Chancellor’s Code of Practice on the Discharge of Public Authorities’ Functions under Part 1 of the Freedom of Information Act 2000.

2. Scope

2.1 The Complaints Procedure may be used by:

a) any person who perceives that the University is not complying with its Publication Scheme;

b) any person who considers that their request for access to information has not been properly handled, or who are otherwise dissatisfied with the outcome of the consideration of their request.

3. Notices

3.1 Details of the Complaints Procedure will be contained within the University’s Publication Scheme and posted on the University’s Publication Scheme website.

3.2 When communicating any decision made in relation to a request for information, the person making the request will be informed of their right to complain and provided with details of the Complaints Procedure.

4. Procedure

4.1 The legislation has been drafted to require complaints to be referred firstly to the public authority concerned where it is to be dealt with under a formal complaints procedure. It is only after these procedures have been exhausted that a complainant should refer the matter to the Information Commissioner.

4.2 The University’s procedure is intended, in the first instance, to address complaints quickly in an informal manner, but with a secondary formal complaints mechanism available where immediate resolution is not possible.

4.3 Informal Complaints

4.3.1 Complainants will be asked in the first instance to contact the DP & FOI Officer to discuss the matter informally. It is hoped that most complaints can be resolved
quickly without the need for a formal complaint. If the matter cannot be resolved informally the complainant will be advised of the formal complaints procedure.

4.3.2 Whilst not recommended, complainants may, if they choose, lodge a formal complaint without having first discussed the matter with the DP & FOI Officer.

4.4 **Formal Complaints**

4.4.1 Formal complaints must be made in writing (including emails) and addressed to the:

   DP & FOI Officer  
   Information Assurance Services  
   Fielding Johnson Building  
   University of Leicester  
   University Road  
   Leicester  
   LE1 7RH

   ias@leicester.ac.uk

4.4.2 Notwithstanding the above, any written communication (including emails) expressing dissatisfaction with the University’s response to a valid request for information will be treated as a formal complaint, as will any written communication from a person who perceives the University is not complying with its Publication Scheme. This will apply, even where there is no stated desire for review of a decision or the handling of a request. All such communications must be referred to the DP & FOI Officer immediately.

4.4.3 Where a complaint concerns a request for information under the general right of access, the review of the complaint will not be handled by any person who was party to the original decision. Where the DP & FOI Officer was party to the original decision, the complaint will be referred to the Registrar & Secretary. In cases where the Registrar & Secretary was party to the original decision the complaint will be referred to a Pro-Vice-Chancellor.

4.4.4 An acknowledgement of the complaint will be made upon its receipt. A full review of the complaint and any decision will be made within 20 working days from receipt as per guidance from the Information Commissioner’s Office. Where it is not possible to respond within this period, the complainant will be informed of the revised timescale and the reason for the delay.

4.4.5 Please note that guidance from the Information Commissioner’s Office states that complaints should be made no later than 2 months from the date of the University’s formal response. Complaints made after this point may be discounted.

4.4.6 Complaints will be reviewed in the context of the University’s obligations under the Freedom of Information Act 2000 and decisions taken pursuant to the Act, including decisions taken about where the public interest lies in respect of certain exempt information.

4.4.7 Where it is considered appropriate, the person reviewing the complaint may reverse or otherwise amend decisions taken previously.
4.4.8 If a complaint is upheld, the complainant will be informed what action is to be taken.

4.4.9 Where the outcome of a complaint is that information should be disclosed which was previously withheld, the information in question will be disclosed as soon as practicable and the complainant informed of the intended date.

4.4.10 Where the outcome of a complaint is that the procedures within the University have not been properly followed by staff, the University will apologise to the complainant and take appropriate steps to prevent similar errors occurring in the future.

4.4.11 If a complaint is not upheld the complainant will be given reasons for the decision. The complainant will also be informed of their rights to complain to the Information Commissioner if they are still not satisfied with the outcome of the review of their complaint.

4.5 **Complaint to the Information Commissioner**

4.5.1 Under Section 50 of the Freedom of Information Act any person may apply to the Information Commissioner for a decision whether a request for information made to the University has been dealt with in accordance with the requirements of the Act. It should be noted that the complainant will have exhausted the University’s internal complaints procedure and that there is a requirement that there will be no undue delay in making the application.

4.5.2 Where a person perceives that the University is not complying with its Publication Scheme, although they cannot apply for a decision under Section 50 of the Freedom of Information Act 2000, they may complain to the Information Commissioner who may investigate the matter at his discretion.

4.5.3 Complaints to the Information Commissioner should be addressed to the:

FOI Compliance Team (Complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF


5. **Records**

5.1 Information Assurance Services will maintain a record of the following:

- details of all complaints received;
- the time taken to initially respond to each complaint;
- the time taken to respond fully to each complaint;
- the outcome of each complaint.
6. Monitoring and Review of Complaints

6.1 In conjunction with the Registrar & Secretary, the DP & FOI Officer will monitor and review complaints, and, if necessary, amend procedures where such action is indicated by more than occasional reversal of decisions.

Failure to comply with University Policy may lead to disciplinary action.

The official version of this document will be maintained on-line. Before referring to any printed copies please ensure that they are up-to-date.