



## EM Media's Complaints and Appeals Procedure

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### Introduction

EM Media is committed to being open and accessible. We welcome all constructive comments and recommendations regarding our work and the services we offer to the East Midlands film and media sector.

If you are dissatisfied with the service you have received from EM Media the following procedures provide clear guidance on how to make a complaint and also explain the grounds for appeal against decisions made on applications for EM Media investment.

### What I can (and can't) complain about

#### What can I complain about?

You can complain if you think that:

- 'maladministration' has taken place (for example, if we have delayed, made mistakes in or failed to follow the procedures in our application process);
- we've failed to give you access to information or have given you incorrect advice or information;
- we have not treated you politely; or
- we have discriminated against you or not treated you fairly.

If your complaint concerns an application for EM Media investment, we can only look at your application again if:

- we discover (in the course of dealing with a complaint) that we did not follow the published procedures for assessing your application;
- you can show that we have misunderstood a significant part of your application; or
- you can show that we did not take notice of relevant information.

Please note: all decisions on applications for investment are made in line with EM Media's published assessment criteria. Any complaint or appeal should therefore be on these grounds.

There is no appeal against a decision taken on creative grounds.

#### What can't I complain about?

When an application for investment is turned down it is often very disappointing. However, this in itself is not grounds for complaint, unless you can demonstrate that we have 'maladministrated' your application or, put simply, that we failed to follow our decision-making process correctly.

## **How to make a complaint**

### **Making a complaint about service received**

#### **Step 1 – Initial complaint**

If you are dissatisfied with any aspect of the service you have received from EM Media, you should initially highlight your concerns to the member of staff concerned.

You should set out the facts as clearly as possible, in a logical order. Remember to include important details and dates where possible.

EM Media will treat all complaints confidentially. If you make a complaint, we will treat you with respect, and we expect you to treat our staff in the same way.

We hope that most complaints can be resolved quickly and effectively.

#### **Step 2 – If you are not satisfied with the response received from the member of staff**

If you are dissatisfied with the initial response to your complaint you should then write to the Chief Executive marking the correspondence “formal complaint”.

The complaint will be acknowledged within five working days. A full response will be provided within 15 working days.

#### **Step 3 – If you are not satisfied with the response received from the Chief Executive**

If you believe the complaint requires further attention (and it does not relate to an application for investment) you should write to the Chair of the Board. The complaint will be acknowledged within five working days. A full response will be provided within 15 working days.

### **Making a complaint or appealing in respect of EM Media’s Investment Decision regarding your application**

EM Media recognises that unsuccessful applications can cause disappointment and formal complaints or appeals can only be considered against the final decision on an application if you have good cause to believe that either:

- the procedures for processing applications were not adhered to, or
- were applied in such a way as to significantly prejudice the outcome of the application.

If you think you can establish such grounds you’ll be advised to follow the following process:

#### **Step 1**

Within one calendar month of being notified of the investment decision you should write to the Chief Executive of EM Media. Your letter should set out the ground(s) for the appeal stating the reasons why you believe the procedures were not adhered to or were incorrectly applied. You should make it clear that this is a formal complaint to which EM Media should respond.

#### **Step 2**

Your letter will be acknowledged within five working days and will be forwarded to the Board of EM Media for review as a formal complaint or appeal.

The Board of EM Media considers properly made complaints and appeals.

The Board of EM Media cannot consider appeals that have not first been raised with EM Media’s Chief Executive according to the procedure described above.

### **Step 3**

The Board of EM Media will make one of the following recommendations to EM Media's Chief Executive:

1. that the appeal or complaint should not be upheld, or
2. that the appeal or complaint should be upheld but that the original decision on the application should nevertheless stand or
3. that the appeal or complaint should be upheld and the application should be reassessed.

The Chief Executive will review this recommendation and will notify you in writing of the decision on the complaint or appeal.

**The Chief Executive's decision is final.**

**Reporting a list of complaints and appeals will form part of the Chief Executive's report to the AGM.**

### **The Parliamentary Ombudsman**

If you remain dissatisfied with the outcome of your complaint to the Chief Executive of EM Media and the Board of EM Media, you can in certain circumstances put your complaint to the Parliamentary Ombudsman. The Ombudsman provides a service to the public by undertaking independent investigations into complaints that government departments, a range of other public bodies in the UK, or those acting on their behalf, have not acted properly or fairly or have provided a poor service.

**However, please note the Ombudsman has little room to look at the merits of discretionary funding decisions.**

If you have any questions about whether the Ombudsman may be able to help you, or about how to make a complaint, please contact their helpline on 0345 051 4033, email [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk) or fax 0300 051 4000. Further information about the Ombudsman is available at: [www.ombudsman.org.uk](http://www.ombudsman.org.uk).

You can write to the Ombudsman at:  
The Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4QP

### **Other contacts**

Independent Complaints Reviewer  
c/o Lottery Forum,  
7 Holbein Place,  
London  
SW1W 8NR  
Tel: 020 7591 6190  
Textphone: 020 7591 6255

You can get an explanatory leaflet about the Ombudsman from:  
Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4QP

Complaints Helpline Tel: 0345 015 4033  
Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 0303 123 1113  
Fax: 01625 524510  
Email: [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk)