

Birmingham City University

Concerns and Complaints Procedure – Effective from 2017/18

Introduction

This procedure reflects our commitment to valuing, and learning from, concerns and complaints. If we can deal with complaints early, we can help make sure we provide a positive experience for our students and members of the public. We aim to deal with issues as soon as they arise, where possible, and to carry out thorough and fair investigations where needed to make sure we are able to make decisions based on the facts of each case.

The procedure applies to all enrolled students of the University and members of the public. It does not apply to our staff unless they are enrolled students of the University and the issue is to do with their learning experience.

The procedure meets the 'General principles applying to Birmingham City University student procedures' and is in keeping with the 'Good Practice Framework for Handling Complaints and Academic Appeals' published by the Office of the Independent Adjudicator (OIA).

What is a concern or a complaint?

As in any organisation, we sometimes make mistakes or the service we provide does not meet expectations. We need to know when things go wrong so that we can put things right.

If you are not satisfied with our service, there are three stages you should follow.

- First, you should raise a **concern**, which we can often deal with quickly and informally. You should do this as soon as the concern arises.
- If we cannot resolve your concern, you can submit it as a **complaint**, which we will deal with formally. You must make the complaint within 40 working days of the issue arising.
- If you are still not happy with our response to your complaint, you can ask for a **review**.

This procedure sets out the steps involved in all three stages.

What concerns and complaints are covered by this procedure?

For the purposes of this procedure, a concern or complaint is as defined in the OIA Good Practice Framework:

'an expression of dissatisfaction ... about the University's action or lack of action, or about the standard of service provided by or on behalf of the University.'

This definition is in line with the QAA Quality Code, and covers matters that affect the quality of a student's learning opportunities.

If you are a student, the best way to deal with many concerns is often through the student feedback arrangements in place for your programme as shown in the Student Handbook. These arrangements allow us to record issues and track and tell you about our actions.

A concern or complaint may (but not always) relate to the following.

- Our failure to meet our obligations, including those set out in your course or the student handbooks or the Student Partnership Agreement.
- The quality and standard of our service, including the way in which we (or a partner institution) provide, teach or manage a programme.
- Our failure to provide a service.
- The poor quality of facilities, learning resources or services provided directly by us.
- Misleading or incorrect information in prospectuses or promotional material and other information we provide.
- The way you have been treated by, or the attitude of, a staff member, student or contractor.
- Inappropriate behaviour by a staff member, student or contractor.
- Our failure to follow an appropriate administrative process.
- Complaints involving other organisations or contractors providing a service on our behalf.

It may be more appropriate to consider some issues under processes other than this Concerns and Complaints Procedure. For example, the following issues **are not classed as concerns or complaints** under this procedure.

- Not being satisfied with a decision made by an examination board regarding student progression, academic assessment and awards (*see Academic Queries and Appeals Procedure*).
- Not being satisfied about the outcome of an academic misconduct or disciplinary process.
- Not being satisfied with a decision made under other specific regulations such as fitness to practise or disciplinary processes.
- An issue related to a staff member or student which falls within our staff or student disciplinary policies.
- A routine, first-time request for a service.
- A request under the Freedom of Information Act or Data Protection Act.
- A request for information or an explanation of policy or practice.
- A response to an invitation to provide formal feedback (for example, through a questionnaire or committee membership) will generally not be treated as a complaint.
- An insurance claim.
- An issue which is being, or has been, considered by a court or tribunal.
- An attempt to have a complaint reconsidered after our Concerns and Complaints Procedure has been completed and a decision has been issued.

We will deal with these issues under the appropriate processes rather than under this Concerns and Complaints Procedure. Some situations can involve a combination of issues, where some are concerns or complaints and others are not, and we will assess each case individually.

Who can raise a concern or complaint?

Anyone who receives, requests or is affected by our services can raise a concern or complaint. This includes:

- students and former students who have a concern or complaint that relates to their experience during their time at the University; and
- apprentices who are studying at the University and working for one of our partner employers;
- University stakeholders (such as partner employers);
- members of the public who have a concern or complaint about matters which are (or which were at the time the issue arose) our responsibility.

The basic processes for investigating concerns and complaints are the same for students and members of the public. In this procedure, we refer to the person raising the concern or making the complaint as 'you'.

We will only accept concerns or complaints we receive from third parties (for example, a relative) if they are acting as your representative and you have given them permission to act for you under the requirements of the Data Protection Act (1998). This means that you must give clear written authority at each stage of the process for the third party to act on your behalf. All communication we have concerning the issue will then be with your representative not with you. The same timescales will apply as with other cases.

If the issues raised affect a number of people, you can submit a 'group concern'. In these circumstances, so that we can manage the concern, the group should nominate one person to act as group representative.

We will only consider concerns that are submitted anonymously in exceptional circumstances, when there is a compelling case - supported by evidence - for the matter to be investigated. If you decide to raise a concern anonymously, you should be aware that this could delay the investigation and the outcome.

Concerns and complaints involving more than one issue

Students sometimes raise issues which do not fall neatly into the category of this or other procedures such as academic appeals. If this applies to you, we will tell you which issues we will consider under which procedure and will direct you to the other appropriate procedures (for example, the Academic Queries and Appeals Procedure) for the other issues. We will tell you about the effects, if any, of following two procedures at once, particularly where one procedure may be suspended until the other is completed.

Where there is significant overlap, we may decide to consider matters together, as long as you agree to this in writing. For example, if a concern or complaint covers issues that could also be dealt with under other procedures such as the Academic Queries and Appeals

Procedure, we can carry out a joint investigation. We will tell you where responsibility for the overall investigation lies and who will issue the final decision.

Concerns and complaints involving more than one faculty or professional service

If your concern or complaint relates to the actions of two or more faculties or professional services, the faculties and services will agree between them who will take the lead and you will be given the lead person's contact details. This lead person will then co-ordinate the different faculties and services to make sure that the concern or complaint is fully dealt with in a single response.

Partners

By 'partner' we mean any organisation with whom we are working to provide learning opportunities. This includes placement providers and employers engaged in our apprenticeships. The Student Handbook will make it clear which partner's procedures apply and how students can access these procedures. This includes making it clear to students where they should send any concerns or complaints, and how far each partner will be involved in considering these.

In line with the QAA Quality Code, if you are a student studying with a partner institution on a programme leading to a Birmingham City University award, and you have a complaint about an academic matter, you have the right to appeal to us. If you have followed the partner institution's complaints procedure and you are not satisfied with the outcome, we will review your complaint.

In the case of a joint degree which we offer with another awarding body, the Student Handbook will make it clear which institution is responsible for the final review if you make a complaint, and which national body (if relevant) is responsible for the external review.

If a programme must be assessed by an external organisation, for example by a professional, statutory or regulatory body, the Student Handbook will make it clear which body will deal with specific issues.

Concerns and complaints involving other organisations or contractors who provide a service on our behalf

If another organisation has provided a service on our behalf, for example student accommodation, and you want to raise a concern about the service, please contact the appropriate organisation direct.

You can raise a concern direct with us about a service another organisation has provided on our behalf, if the concern relates directly to matters which have affected your learning experience.

Concerns and complaints about staff

Concerns and complaints students make about staff can be particularly sensitive. You will not be disadvantaged as a result of raising legitimate concerns or complaints, and raising such an issue will not influence the outcome of any marking or grading. If you raise a concern or make a complaint about a member of staff, the investigation will be carried out by someone who is independent of the situation.

If you have a concern about a person who would ordinarily be involved in the complaint process (see below) then you should seek advice from Appeals and Resolutions as to who to raise your concern with.

If we receive a concern or complaint about a member of staff, that person will be entitled to receive appropriate support and advice. This will include the right to ask someone to go with them to meetings about the matter to act as their advisor and supporter. This person is not there to act in a legal capacity.

Concerns and complaints about Birmingham City University Students' Union

If you have a concern or complaint about the services of the Students' Union, you must follow the Students' Union's own complaints procedure.

Time limits

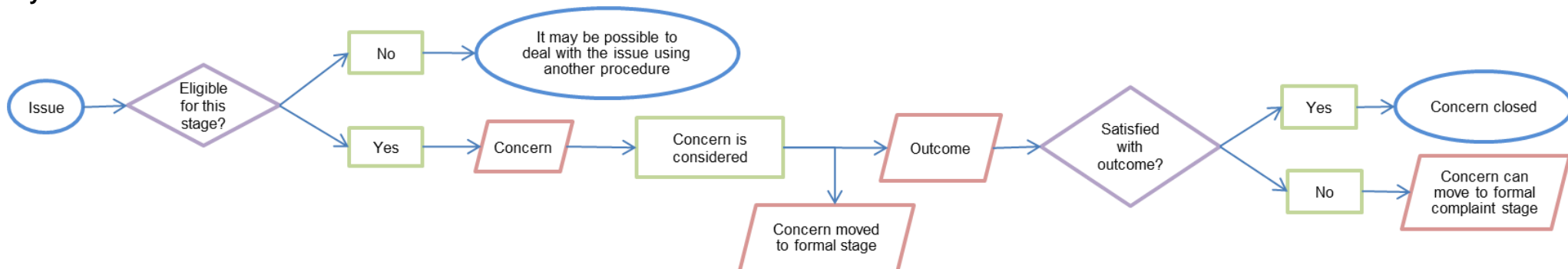
You should raise any concerns with us as soon as they arise to allow us to investigate and deal with the matter as soon as possible. Although individual faculties and professional services may accept concerns raised at a local level some time after the event, the formal complaint stage is only available if we receive the complaint form within 40 working days of you first becoming aware of the issue. This period of 40 working days will include the time needed to carry out the initial assessment and to try to resolve the matter as soon as possible. If we receive your complaint form more than 40 working days after the event you are complaining about, we will only be able to take it to the formal complaint stage if you have evidence to show there is a good reason for the delay. When deciding whether there is a good reason for a delay, we will consider things such as our obligations under the Equality Act or whether you need a reasonable adjustment to the procedure being used. Our Enablement team will give advice where appropriate.

The Director of Student Affairs (or someone they nominate to act on their behalf) will consider cases and, if they feel the delay is justified, will allow us to deal with the complaint under the formal complaint stage. Within 10 working days of receiving your late complaint, we will write to you with the decision to either accept or dismiss the late complaint. If we accept your complaint, the normal timescales will apply starting from the date of our decision to accept it.

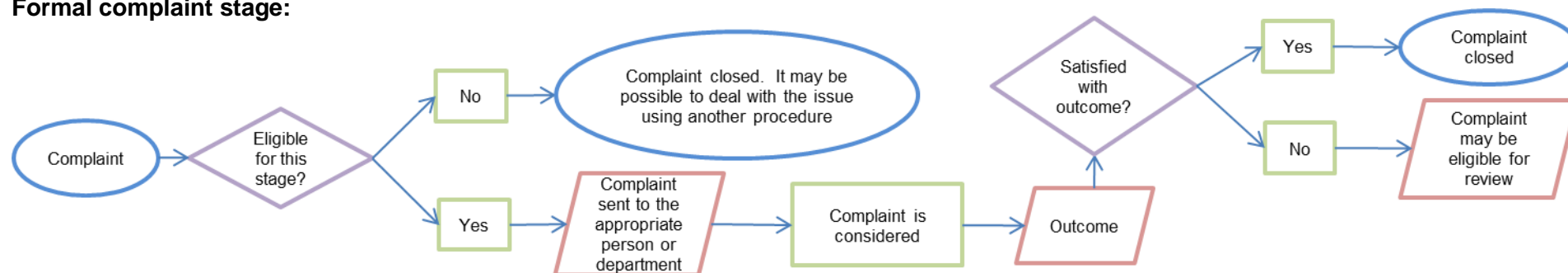
We aim to process a formal complaint (made under the formal complaint stage) and any associated review within 90 calendar days. This is in line with OIA guidance. Under the 90-calendar-day timeframe you must meet any deadlines we set for providing further information or documents and attending meetings. There will occasionally be circumstances when we need to extend the timeframe for different stages. (We will only do this if there is a good reason, for example if we need to wait for a key witness to be available to speak to us.) If this is the case, we will tell you and will explain the reasons for the delay and tell you the new timescales. We will provide regular updates on progress where appropriate.

Flowchart of stages

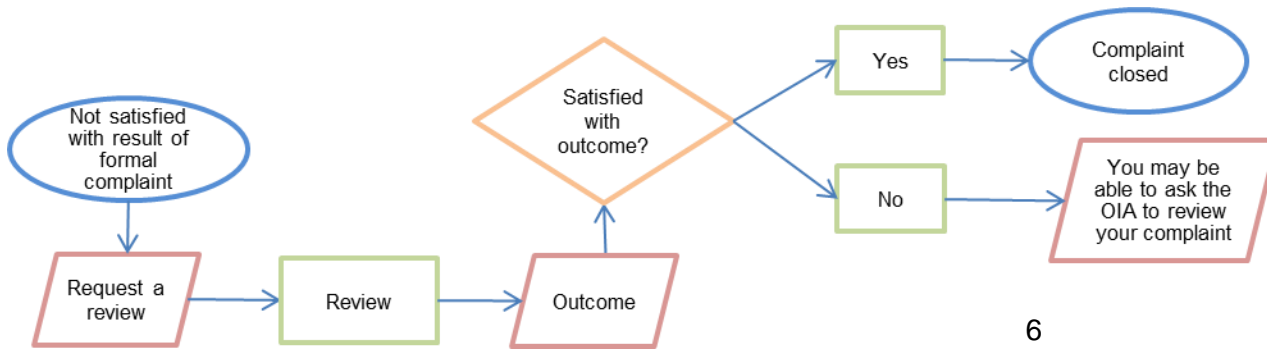
Early resolution of concern:



Formal complaint stage:



Review stage:



Concerns and complaints procedure

This procedure aims to provide a quick, simple process with a strong focus on well-trained staff having the power to deal with concerns and complaints as soon as possible. The Concerns and Complaints Procedure has three stages.

- (1) Initial assessment and early resolution:** at this stage, straightforward concerns are dealt with quickly and locally, for example by the relevant school, faculty or professional service. This might include, for example, face-to-face discussions with you, or asking an appropriate member of staff to deal with the matter.

This stage should be completed within 10 working days of the concern being raised.

- (2) Formal complaint:** your concern or complaint can move to this stage if you are not satisfied with the outcome of the early resolution stage, or if the case is too serious or too complicated to be dealt through early resolution. The formal complaint stage will usually be dealt with by staff who were not involved directly at the early resolution stage.

This stage should be completed within 25 working days of us receiving the formal complaint and we will give you our decision in writing.

- (3) Review:** you can ask us to review the way we have handled a formal complaint to make sure that we followed the appropriate procedures and that our decision was reasonable. At this stage we will not normally reconsider the issues raised, but will consider significant new evidence that you were unable to provide at an earlier stage for valid reasons.

If you have already made a complaint to a partner institution about an academic matter and you are not satisfied with the way it has been dealt with under their own complaints procedure, you can refer the complaint to us and we will consider it under this stage. This will include a review of the way in which the partner institution handled the matter.

This stage should be completed within 15 working days of us receiving the request for a review and we will give you our decision in writing.

Mediation

Mediation is a voluntary process where someone who is impartial and independent helps settle issues confidentially. Using mediation can help both you and us to understand the reason for the concern or complaint, and may help to reach a conclusion that you and we are satisfied with, as soon as possible.

If both we and you agree to mediation, we will agree revised timescales with you in writing. If mediation is used in the formal complaint or review stages, we will make it clear how the arrangement fits with more formal procedures, the details of the mediation and whether you and we must agree beforehand whether to accept the solution offered or the findings reached. The formal process may need to be restarted if an agreement cannot be reached using mediation.

Student representation

If you are a student enrolled on a course at the University, you have the right to take someone with you to meetings. This person is not there to act in a legal capacity. They are there to provide advice and support to you, not to act on your behalf.

Stages of the process *(refer to flowchart)*

Initial assessment and early resolution – to be completed within 10 working days of receiving your concern

The purpose of the initial assessment and early resolution stage is to understand the concern and, if it is straightforward and needs a limited amount of investigation, resolve it as quickly as possible. Any investigation is not intended to be exhaustive. If you have a concern you should raise it with the relevant school, faculty or professional service as soon as possible after becoming aware of the issue. You can raise a concern at this stage face-to-face, by phone, in writing or by email. The following members of staff will often be in a position to deal with concerns or tell you who best to speak to about your concerns:

- Personal Tutor
- Programme Leader
- Head of Student Support
- ASK desk
- Appeals and Resolutions team
- Student Governance team

Each Faculty also has an Associate Dean of Student Learning and Experience who may assist in trying to resolve your concerns.

The member of staff you raise the concern with will consider some key questions as part of the initial assessment, including the following.

- What specifically is the concern about and which area (or areas) of the University is involved?
- What outcome are you hoping for and can it be achieved?
- Is the concern straightforward and likely to be settled with little or no investigation?
- Can we settle the matter on the spot by providing an apology or explanation, or a different solution?
- Can another member of staff help to settle the matter quickly?
- Is confidential mediation likely to help?
- Is the issue you have raised covered by the Concerns and Complaints Procedure or should we refer you to another procedure such as academic appeals?
- If you are a student, what help or support can we provide to you?

A small number of concerns may be moved immediately to the formal complaint stage. We will move an issue to the formal complaint stage for investigation if:

- the issues raised are complicated and will require detailed investigation; or

- the concern relates to issues that we have identified as high risk. (See the Formal complaint section below for more details.)

We can deal with most concerns at the initial assessment and early resolution stage. Concerns at this stage of the process may be dealt with by any relevant member of our staff, who may handle it by having a face-to-face discussion with you, or by asking an appropriate member of staff or trained mediator to help with the matter. It is important that you should have an opportunity to tell us your concerns and feel that we have listened to you. We can often deal with a concern by explaining why the issue happened, apologising when appropriate and, where possible, explaining what we will do to prevent a similar situation from happening again.

If the member of staff you raise a concern with is responsible for the matter, they will try to resolve the issue. If responsibility lies elsewhere, the staff member you raise the concern with will work with the relevant areas so that the concern can be dealt with quickly rather than simply pass you on to another office. If the person you raise the concern with does need to pass responsibility for dealing with it on to another member of staff, they will give you that member of staff's details and, if possible, introduce you to them or give you an appointment to meet them.

Closing the concern after the early resolution stage

We will tell you the outcome of the early resolution stage either face-to-face, by phone, in writing or by email. We will look at all areas of the concern and explain the reasons for the agreed actions.

Formal complaint – to be completed within 25 working days of receiving the formal complaint

Formal complaints will either have been considered at the early resolution stage or will have been identified through the initial assessment stage as needing to move straight to the formal complaint stage. You must raise a formal complaint within 40 working days of first becoming aware of the issue, unless you have attempted early resolution in which case the 40 working days will run from the conclusion of that stage. We will only consider a formal complaint if:

- it has already been through the early resolution stage but you are not satisfied with the outcome; or
- it is appropriate for the complaint to move straight to the formal complaint stage because:
 - the issues raised are complicated and will need detailed investigation; or
 - the complaint relates to issues that we have identified as high risk.

We will give special attention to identifying complaints that may need particularly quick action. These may include the following.

- Complaints involving a threat of serious harm

- Cases where the effects of the issues raised may have harmed a person's mental health or led to significant distress
- Cases where external time limits apply, for example in meeting regulatory requirements for completing professional courses
- Complaints relating to disability support
- Issues of serious and repeated service failure or significant delay
- Issues of a highly sensitive nature

You must submit a formal complaint to the Appeals and Resolutions office electronically, by email, using our formal complaint form. We will only accept a form submitted by someone else on your behalf if you have given the other person written permission to act as your representative. You must set out your concerns clearly and briefly, and provide evidence, where possible, of the issues raised. Only evidence that is clearly referenced in the complaint will be considered.

When we receive a complaint we will consider some key questions, including the following.

- Has the concern or complaint already been through the early resolution stage? If not, unless it meets the conditions set out above for moving straight to the formal complaint stage, we will refer it back to the early resolution stage.
- Have you set out clearly what the complaint is about and which area (or areas) of the University is involved?
- Have you provided evidence to support the complaint and is there a clear reference to this in the complaint?
- What outcome are you hoping for and can it be achieved?
- Is the complaint suitable for mediation?
- Is the complaint covered by the Concerns and Complaints Procedure or should we refer you to another procedure?
- If you are a student, what help or support can we provide to you?

When we receive a formal complaint, we must decide whether it meets the conditions to be considered under this Concerns and Complaints Procedure. If not, we will tell you our decision and the reasons for this, and give you details of the correct procedure to use, if appropriate. If we decide that your complaint is ineligible and advise you that there is nothing you can do to make the complaint eligible, you will have the right to request a review of our decision (see the Review stage below).

If your complaint is eligible to be considered under the Concerns and Complaints Procedure, we will send you a dated acknowledgement of receipt within five working days of receiving the formal complaint form and will record the date we received the complaint in our concerns and complaints system.

We will pass the complaint to a suitably trained case officer to investigate. This person will have had no previous involvement in the matter. The purpose of the investigation is to find out all the facts that are relevant to the points made in the complaint and to provide a full, fair and proportionate response that sets out our position clearly.

We will tell you the name and contact details of the case officer. It is important to be clear from the start of the investigation stage exactly what is being investigated, and to make sure that both you and the case officer understand the scope of the investigation. The case officer

will discuss the matter with you, usually face-to-face or by phone, and will consider the following three questions.

- What is the complaint?
- What do you want to achieve by complaining?
- Do your expectations appear to be reasonable and achievable?

If you are expecting more than we can reasonably provide, we will tell you this as soon as possible to manage expectations about possible outcomes.

You may tell us that you want all or part (for example, a statement from a witness) of your complaint to remain confidential. Although we will manage all complaints in a confidential and sensitive way, there will be staff who need to consider the complaint and who we may ask to comment on or respond to the statements made.

The case officer will consider the complaint and may talk to relevant staff or students and consider documents and other evidence. A case conference approach (where all those involved meet together) will be used where this would be helpful. We expect you to provide all evidence that it is reasonable for you to have gathered. This may include, for example, copies of emails or letters, financial information such as evidence of lost income (if this is relevant to the complaint), or statements from witnesses if it is safe and helpful to provide these. The case officer will produce a report based on their investigations which will outline the process they have followed, the information they have gathered, their conclusions and their recommendations. The case officer will also consider whether the complaint is suitable for mediation.

To help make sure we are consistent and fair when considering complaints, the case officer will send the report to the Deputy Director of Student Affairs (Queries and Resolutions) (or someone they have nominated to act on their behalf), for the recommendations to be agreed. Everyone involved will receive copies of the information considered and a copy of the investigation report. We will provide a full response to your complaint within 25 working days of receiving the formal complaint form.

Extending the time limit

If there are clear and justifiable reasons for extending the time limit, the case officer will set new time limits. The maximum extension will be 10 working days (that is, not more than 35 working days in total from the date we receive the formal complaint form).

Closing the complaint at the formal complaint stage

We will give you a clear explanation of the outcome of your formal complaint in writing, setting out the reasons for each decision in simple, straightforward language. If we find that your complaint is partly or fully justified, we will explain how and when we will put in place actions to put the issue right, and apologise where appropriate. We will record the outcome on our concerns and complaints system.

We will tell you about:

- your right to take the complaint to the review stage;
- the grounds on which you can do this (see below);

- the time limit for moving to the review stage (20 working days of us sending you the outcome of the formal complaint);
- the appropriate procedure to follow; and
- where and how to access advice and support if you are a student, for example the Students' Union or Student Affairs.

If you do not take the complaint to the review stage within the time limit for doing so, we will close the matter.

Review – to be completed within 15 working days of receiving the request for a review

If you are not satisfied with the outcome of the formal complaint stage, you have 20 working days to ask for a review. There are limited grounds for asking for a review, which are as follows.

- There is new evidence which you were unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal complaint stage.
- The correct procedure was not followed during the formal complaint stage and this has had a significant effect on the outcome.
- The outcome was unreasonable given all the circumstances and the evidence considered.

The purpose of a review is to consider whether we followed the correct procedure during the formal complaint stage and whether the outcome was reasonable. At the review stage, we will not usually consider the issues again or investigate the matter further. A complaint must have been considered at the formal complaint stage before it can move to the review stage. If your expectations appear to be beyond what can be achieved at the review stage, we will tell you this as soon as possible in writing to manage your expectations about possible outcomes.

You must submit a request for a review electronically, by email, by filling in the appropriate form. We will only accept a form submitted by someone else on your behalf if you have given the other person written permission to act as your representative for the review stage. You must set out your concerns clearly and briefly and provide evidence, where possible, of the issues raised. Only evidence that is clearly referenced in the form will be considered. We will acknowledge the request for a review within 5 working days.

The Appeals and Resolutions office will assess the request for a review and the Director of Student Affairs, or someone they nominate to act on their behalf, will use this assessment to decide between the following two possible outcomes.

- There are no grounds for taking the matter further. If this is the case, we will tell you in writing and, if you are a student, also let you know about any right you may have to ask the OIA to review your complaint; or
- There are grounds for reconsidering the case.

If there are grounds for reconsidering the case, the Director of Student Affairs, or someone they nominate to act on their behalf, will consider the following.

- Were the relevant procedures followed during the formal complaint stage?
- Was the outcome reasonable in all the circumstances?
- Have you received clear reasons why we rejected the complaint at the formal complaint stage?
- If you have provided new evidence, have you provided valid reasons for not providing it earlier?
- Would any new evidence you have provided have affected the outcome (if there were valid reasons for not providing this earlier)?

The Director of Student Affairs, or someone they nominate to act on their behalf, will decide between the following two options.

- The complaint will be referred back to the formal complaint stage with a recommendation.
- The issues are complicated and so it would be better to deal with them through a review panel.

A review panel will be held in line with our standard procedures for such panels.

Extending the time limits

If there are clear and justifiable reasons for extending the time limits, we will set new time limits. The maximum extension will be 10 working days (that is, not more than 25 working days in total from the date we receive your request for a review).

Closing the complaint at the review stage

We will give you a clear explanation of the outcome of the review in writing, setting out the reasons for each decision in simple, straightforward language. If the review finds that a complaint is partly or fully justified, we will explain how and when we will put in place actions to put the issue right, and apologise where appropriate. We will record the outcome on our concerns and complaints system. If you are a student who is enrolled on one of our courses, we will also let you know about any right you may have to ask the OIA to review your complaint.

