

Birmingham City University

Student Complaints Procedure

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1. Introduction

- 1.1 This procedure sets out the process for students to raise their dissatisfaction with any aspect of their student experience. The procedure promotes equality of opportunity and the rights of all students to benefit from a high-quality academic experience, and to access the support they need to succeed. We consider complaints as an open opportunity to address and enhance our provision, learning opportunities, public information and management of the information we hold.
- 1.2 The procedure should be read alongside the Guiding Principles of Casework Procedures and the University's Academic Regulations.

2. Who can use this procedure?

- 2.1 This procedure applies only to enrolled or recently enrolled students of the University and also in the following circumstances:

<i>Staff</i>	Only where the staff member is an enrolled student of the University and the issue is to do with their learning experience.
<i>Third parties</i>	Only if the third party is acting as your nominated representative with your express written permission.
<i>Anonymous complainants</i>	Only in exceptional circumstances, supported by clear evidence. We will not usually accept anonymous complaints.
<i>Groups of students</i>	A group of students can raise a group complaint. The group should nominate two people to act as group representatives. There is a separate form to use when submitting a group complaint.
<i>Apprentices and students studying at partner institutions</i>	Apprentices and students studying at a partner institution can raise a complaint directly with the University. There is a separate form to use when submitting a complaint of this kind. If on receipt of the form we think the matter should be dealt with by the employer or partner institution, we will tell you and explain why.
<i>Members of the public</i>	We do not accept complaints from members of the public but the Student Casework team can advise on who best to contact in regard to public concerns.

3. What can you complain about?

- 3.1 You can complain about any aspect of your experience whilst at University. Please note the following specific guidance:

<i>Complaints not falling under this procedure</i>	It may be that you submit a complaint which is best dealt with under another procedure, e.g. the Academic Appeals Procedure. If we receive your complaint and think that it is more appropriate to deal with under another procedure, we will move your complaint to the other procedure and explain why.
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<i>Complaints about student behaviour</i>	Complaints about student behaviour will usually be dealt with under the Student Disciplinary Procedure.
<i>Complaints about staff</i>	Your complaint will be investigated. You will not be disadvantaged as a result of raising a legitimate complaint against staff, and raising such an issue will not influence the outcome of any marking or grading. If the complaint is of a serious nature then we will inform the University's HR department that the complaint has been made. HR may conduct its own investigation and offer support to staff. Where HR conducts an investigation, we will ensure you are updated and receive an outcome.
<i>Complaints about placement providers</i>	You can use the University's procedure to complain about your experience at a partner organisation, including placement providers.
<i>Complaints about the Students' Union</i>	The Students' Union has its own complaints procedure and you should use this to complain about the Students' Union. The Students' Union may refer you to the University procedure if your complaint relates to aspects of your wider University experience.

4. Timescales

4.1 The following timescales apply to the Student Complaints Procedure:

<i>Making a complaint</i>	You should usually make a complaint within 15 working days of a single incident or the last of a series of incidents occurring. Complaints made outside 15 working days may still be considered, but in all cases the sooner you make a complaint, the sooner we will be able to consider it.
<i>Informal complaints</i>	Where complaints are raised informally, we will aim to resolve and close them within 15 working days. Where a matter cannot be resolved within 15 working days it will be moved to the formal stage.
<i>Formal complaints (fast-track)</i>	Where complaints are raised formally and assigned to the fast-track, we will aim to resolve them within 15 working days. If a fast-track case cannot be resolved within 15 working days, it will be moved to the non-fast-track.
<i>Formal complaints (non-fast-track)</i>	Where complaints are raised formally and not assigned to the fast-track, we will aim to resolve them within 35 working days.
<i>Review</i>	Review requests should usually be submitted within 15 working days of the outcome being issued. We aim to conclude a review within 15 working days.

4.2 If when we receive your complaint or your review request we think it has been unreasonably delayed, we may consider the complaint ineligible. Where we decide a complaint is ineligible, we will tell you, explain why, and tell you what options are available to you.

- 4.3 If at any stage we need to extend these timescales, we will tell you and explain why. We will keep you updated throughout any periods of delay. There may be times when we pause a case while we wait for you to take action e.g. to provide evidence. The timescales above will not apply when a case is paused.

5. The complaints process

- 5.1 This procedure aims to provide a quick, simple process with a strong focus on well-trained staff having the power to deal with complaints as soon as possible. Investigations and outcomes are proportionate to the matters raised.
- 5.1.1 If at any time during the complaints process your behaviour is considered vexatious or malicious, we may decline to continue consideration of your complaint and / or make a referral under the Student Disciplinary Procedure.
- 5.2 *Student representation*
- 5.2.1 You have the right to take someone with you to complaint meetings. This may be a student advisor from the Students' Union or a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise you. Where appropriate this person may speak in support of you, but you will usually be expected to speak for yourself in any meeting or panel hearing.
- 5.3 *Support and reasonable adjustments*
- 5.3.1 In all cases, if you tell us that you need wellbeing support or the nature of your complaint means we think you would benefit from wellbeing support, we will signpost you to appropriate internal and/or external support services.
- 5.3.2 If you have a disability and want us to consider making specific reasonable adjustments to the complaints procedure, you should raise this as soon as possible during the process. We may need to speak to a Disability Adviser to confirm what adjustments would be appropriate. Anyone taking part in a complaint meeting is entitled to ask for a break at any time.
- 5.4 *Staff involvement*
- 5.4.1 All staff involved in the consideration of a complaint will be impartial and will have had no previous involvement in the case. In all cases, we will use suitable alternative staff members if the individuals named in the procedure are unavailable for any reason e.g. due to absence or because of a conflict of interest.
- 5.5 *Mediation*
- 5.5.1 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 complaint, and may help to reach a conclusion that you and we are satisfied with, as soon as possible. We will consider throughout the complaints process whether mediation is appropriate: where we think mediation may be worthwhile, we will explain this to you and discuss arranging mediation with you.

Where any mediation is held, the complaints process will be paused until the mediation concludes.

5.6 Informal resolution

- 5.6.1 The purpose of the informal resolution stage is to understand the complaint 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 and the matter may be referred to the formal stage if more detailed consideration is necessary.
- 5.6.2 Your first point of contact in raising a complaint informally should be your school office, who may be able to provide an immediate solution. You can also raise informal complaints with your Course Leader or Head of School, if the complaints relate to course matters.
- 5.6.3 If it appears that the matter cannot be resolved within 15 working days or that we will be unable to provide you with the resolution you are seeking, the relevant Associate Dean for Student Experience will be consulted before a decision is issued.
- 5.6.4 While informal resolution is not compulsory, we encourage all students to engage with this stage as it is often the quickest and easiest way to solve problems. If you submit a formal complaint and have not made use of the informal stage where it seems appropriate to have done so, the Student Governance team will signpost you to staff who can discuss informal resolution with you.
- 5.6.5 A Head of Casework may decide that a case should move straight to the formal stage if it is complex (e.g. they involve external parties such as placement providers); serious (e.g. a complaint about a member of staff); or if you are seeking particular types of outcome (e.g. financial compensation or an outcome not allowed by the University's Academic Regulations).

5.7 Formal complaint

- 5.7.1 There are two ways of dealing with formal complaints: fast-track and non-fast-track. Fast-track is typically appropriate where minimum investigation is required and/or your main concern is to resolve the matter as quickly as possible. Non-fast-track will usually be used where a matter is complicated and requires more detailed investigation. All investigations will be conducted by an impartial member of staff.
- 5.7.2 All formal complaints will be considered by a Head of Casework, who will assign the case to the appropriate track. In making that decision, the Head of Casework will take into account:
- Whether you have requested the fast-track on your complaint form;
 - Whether the complaint appears to be one which we could resolve in 15 working days; and
 - What outcome you are seeking.
- 5.7.3 Formal complaints should be submitted to the Student Governance team using the relevant formal complaint form. You must set out your concerns clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence

and give you a time limit to do so; the case may be paused while we await your evidence.

5.7.4 If we think your complaint should be dealt with under another procedure, or if it is ineligible in any way, we will tell you this and explain why. We will explain to you what the next steps are and what options are available to you. We may move your complaint to another procedure and will explain why we have done this.

5.7.5 You may tell us that you want all or part (e.g. a statement from a witness) of your complaint to remain confidential. Although we will manage all complaints in a confidential and sensitive way, it may not be possible to allow anonymous evidence to be used where it does not allow another party to offer a full response.

5.7.6 *Fast-track*

5.7.6.1 A Head of Casework will investigate your complaint. The Head of Casework may contact you to seek further evidence and may obtain any evidence required from your course team or other University staff. The Head of Casework will then arrange a meeting with you and relevant staff to discuss your complaint and recommend an outcome.

5.7.6.2 The recommended outcome will be sent to the Assistant Director Student Governance, Mental Health and Wellbeing for approval. The approved outcome will be sent to you by way of a meeting note along with copies of the evidence considered and guidance on any relevant next steps (including the Review stage). Where the outcome is not approved, or in any other circumstances where a resolution cannot be reached within 15 working days, the case will be moved to the non-fast-track.

5.7.7 *Non-fast-track*

5.7.7.1 A Head of Casework will investigate your complaint. The investigator may contact you to seek further evidence and may obtain any evidence required from your course team or other University staff. Individual meetings with you and others involved may be held, and further evidence may be sought after any meetings. The investigator will draft a report detailing their findings and the evidence relied upon, and will recommend an outcome.

5.7.7.2 The recommended outcome will be sent to the Assistant Director Student Governance, Mental Health and Wellbeing for approval. An approved outcome will be sent to you as a formal decision along with copies of the evidence considered, the investigator's report and guidance on any relevant next steps (including the Review stage). Where the outcome is not approved, it may be necessary to conduct further investigation or to appoint a new investigator. Where this happens, we will tell you and explain why. We will also set new timescales and share these with you.

5.8 *Review*

5.8.1 If you are not satisfied with the outcome of the formal complaint stage, you can request 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.

5.8.2 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.

5.8.3 Review requests should be submitted to the Student Casework team using the relevant review request form. You must set out your grounds clearly and briefly, and provide evidence, where possible, of the issues raised. If you do not provide evidence when submitting your form then we may ask you to provide the evidence and give you a time limit to do so; the review may be paused while we await your evidence.

5.8.4 The Deputy Vice-Chancellor (Academic) will decide between the following outcomes:

- There are no grounds for taking the matter further; or
- The complaint will be referred back to the formal complaint stage (either track) with a recommendation. Where a matter is referred back to the formal stage, the timescales applying to that stage will begin again; or
- 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.

5.8.5 The review decision will be sent to you as a formal decision along with guidance on any relevant next steps.

5 The Office of the Independent Adjudicator (OIA)

6.1 Where your review request is not upheld, we will issue you with a Completion of Procedures letter (a CoP) and tell you about your right to make a complaint to the OIA. You will have 12 months from the date of the CoP to make a complaint to the OIA.

6.2 The OIA look at whether the University applied its regulations properly and followed its procedures correctly, and consider whether any decision made by the University was fair and reasonable in all the circumstances. The OIA reviews cases but does not re-investigate them.

6.3 The OIA normally expects students to follow the University's internal procedures to their conclusion before complaining to the OIA. If you make a complaint to the OIA without having a CoP, your complaint is likely to be deemed ineligible.

6 Relevant Documents

7.1 The Formal Complaint Form, Formal Complaint Review Request Form and a series of frequently asked questions about complaints can be found [on iCity](#).

- 7.2 The Guiding Principles of Casework Procedures are also available [on iCity](#).
- 7.3 The University's Academic Regulations can be found on the University's [external website](#).

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Appendix 1: Student Complaints Procedure – Flowchart

