

Birmingham City University

Student Complaints Procedure

Contents

1. Introduction.....	2
2. Who can use this procedure?.....	2
Staff.....	3
Third parties	3
Anonymous complainants.....	3
Groups of students	3
Apprentices and students studying at partner institutions	3
Members of the public	3
3. What can you complain about?	3
Complaints not falling under this procedure	4
Complaints about student behaviour.....	4
Complaints about staff.....	4
Complaints about placement providers.....	4
Complaints about the Students' Union.....	4
Complaining about unacceptable behaviour.....	4
4. Timescales.....	6
Making a complaint.....	6
Informal complaints	6
Formal complaints (fast-track)	6
Formal complaints (non-fast-track)	6
Review	6
5. The complaints process	7
Student representation	7
Support and reasonable adjustments	7
Staff involvement.....	7
Informal resolution.....	7
Formal complaint.....	8
Review.....	9
6 The Office of the Independent Adjudicator (OIA).....	10
7 Relevant Documents.....	10
Appendix 1: Student Complaints Procedure – Flowchart.....	12

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>	If you complain anonymously or wish to remain anonymous, there may be limited action we take in response because we will usually need to disclose the identity of the complainant. However, we can use the information gathered to provide better support to others and inform prevention work across the university. You need to be aware that exceptionally there may be occasions where as part of our duty of care we are required to investigate the incident and take any necessary action against individuals involved. This will be done only where necessary due to a significant risk or ongoing duty of care which we have to act upon. We will carefully consider why you do not want any further action to be taken, as well as the safety and wellbeing of anyone else affected.
<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. On conclusion of the University complaint investigation and resolution, apprentices who wish to escalate complaint matters to the Education & Skills Funding Agency (ESFA) are advised to contact the ESFA Apprenticeship Service Support on 08000 150 600 or helpdesk@manage-apprenticeships.service.gov.uk .
<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.
<i>Complaints about student behaviour</i>	Complaints about student behaviour will usually be dealt with under the Student Disciplinary Procedure (Non-Academic). Further details are provided at 3.5 below.
<i>Complaints about staff</i>	We take all complaints about members of staff seriously. 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. Further details are provided at 3.13 below.
<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, or where you have exhausted the Students' Union procedure and remain dissatisfied.

3.2 Complaining about unacceptable behaviour

3.3 Where you experience unacceptable behaviour at the University, you can report it through the [Report and Support online reporting system](#) (please open with Google Chrome as some display features do not function in other browsers). Unacceptable behaviour includes bullying, harassment, discrimination and sexual misconduct such as sexual assault and sexual harassment.

3.4 Your report will be received by a member of the Mental Health & Wellbeing team who will contact you to discuss the report and to talk you through the options available to you. This includes pursuing a formal complaint. You can find further information on the Mental Health & Wellbeing team [here](#).

3.5 Complaints about student behaviour

3.6 Concerns about another student's behaviour are best raised via the [Report and Support system](#). You are also entitled to use this [Student Complaints Procedure](#) or the [Student Disciplinary Procedure \(Non-Academic\)](#) to raise concerns, if you prefer.

3.7 Once a complaint of this kind is received, it will usually be dealt with under the Student Disciplinary Procedure (Non-Academic) rather than this Procedure. Details of how complaints of this kind will be handled are available within the Student Disciplinary Procedure (Non-Academic).

- 3.8 Where you make a complaint about a student's behaviour under this Procedure, and the complaint is dealt with under the Student Disciplinary Procedure (Non-Academic), the outcome issued to you at the conclusion of that procedure will also represent the University's response to your complaint. If you are concerned about how your report has been handled, you have the right to submit a new complaint under this Student Complaints Procedure and an investigation will be conducted as set out below (see section 5).
- 3.9 Complaints about staff behaviour
- 3.10 Complaints about staff made will be considered upon receipt and either investigated by Student Governance (under the Student Complaints Procedure) or by HR (under the Staff Disciplinary Process) depending on the nature of the behaviour reported. Where alleged behaviour is serious and may constitute gross misconduct, it is likely that an HR investigation will be held. Other cases will be investigated by Student Governance and where relevant allegations are upheld, HR will be notified and a separate HR investigation may follow. The investigating department will be decided on a case-by-case basis and you will be informed at the beginning of any investigation how your complaint will be dealt with and what your involvement with the investigation will be.
- 3.11 Unless there are exceptional circumstances, your name will need to be disclosed to the staff member you have complained about because they will need to know the identity of the person making the report in order to offer a full response. This is in line with the principles of natural justice. You will not be disadvantaged as a result of making a complaint against a staff member and we may take steps to manage any interaction with the staff member during the complaint investigation e.g. if you complain about your supervisor, we may change your supervisor immediately and before any investigation outcome is reached.
- 3.12 Where a matter is investigated under the Student Complaints Procedure, you will receive a formal complaint outcome and a copy of the investigation report. It may be necessary to keep details of any action taken against a staff member confidential, but we will provide as much information as we can in line with confidentiality. You will have the right to request a review of the formal complaint outcome.
- 3.13 The outcome of staff disciplinary cases is usually only shared with the individual subject to investigation. Details of outcomes are not usually shared with the person who made the report. However, in all cases we will take into account whether you have a legitimate interest in knowing the outcome of a case and the extent to which it might be appropriate to share details of an outcome with you. We might provide limited details if we think this is likely to mitigate against any distress or harm caused to you by not knowing the outcome, for instance, and where this is possible in line with data protection requirements. We will also consider whether you can be offered a remedy in respect of any unacceptable behaviour we find you have been subjected to. A remedy might be e.g. an apology, an explanation of any actions we have taken as a result of learning from the complaint, or an academic or financial remedy, depending on the nature of the concern, the impact on you, and what you are seeking.
- 3.14 In all cases we will endeavour to keep you updated throughout the process and to advise you of relevant timeframes. Where cases are delayed, we will tell you and will explain the reasons for the delay wherever appropriate. It may not be possible to give

specific reasons for a delay if it is due to staff illness, for example. We will confirm to you that the case has been concluded and explain to you what your options are in respect of further action, if you are dissatisfied.

- 3.15 The right to review the outcome of a staff disciplinary case is not available to the student who raised a concern. In confirming the outcome of a case to you (in line with guidance in 3.17), we will issue you with a Completion of Procedures letter and close the formal investigation.

4. Timescales

- 4.1 The following timescales apply to the Student Complaints Procedure:

Making a complaint 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.

Informal complaints 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.

Formal complaints (fast-track) 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.

Formal complaints (non-fast-track) Where complaints are raised formally and not assigned to the fast-track, we will aim to resolve them within 35 working days.

Review 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. In considering whether a complaint has been unreasonably delayed we will take into account any reasons given for the delay and evidence provided in support. We might accept a late complaint in cases where the delay is associated with, for example: illness (supported by evidence); attempts to resolve the matter informally; or delays caused by the University (such as failure to respond to communications). 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 (Non-Academic).
- 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 Informal resolution**
- 5.5.1 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.
- 5.5.2 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.

- 5.5.3 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.
- 5.5.4 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.
- 5.5.5 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).

5.6 Formal complaint

- 5.6.1 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.
- 5.6.2 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.
- 5.6.3 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.
- 5.6.4 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.
- 5.6.5 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.

5.6.6 Fast-track

5.6.6.1 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.

5.6.6.2 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.

5.6.7 Non-fast-track

5.6.7.1 A Head of Casework will usually investigate your complaint. We may ask an alternative member of staff to investigate if we think this would be appropriate e.g. if the Heads of Casework are conflicted or not available. All investigators will be trained to investigate complaints. 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.

5.6.7.2 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.

5.7 Review

5.7.1 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.

5.7.2 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.

- 5.7.3 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.
- 5.7.4 Review requests will be considered by a suitably senior staff member with experience of considering complaints. This might include, for example, a Deputy Vice-Chancellor; an Executive Dean; an Associate Dean; or a director of service such as the Assistant Director Student Governance, Mental Health & Wellbeing. The reviewer will always be independent of you and the case, and 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.
- 5.7.5 The review decision will be sent to you as a formal decision along with guidance on any relevant next steps.

6 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.

7 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

