

# **Birmingham City University**

## **Student Complaints Procedure**

***Effective from 1<sup>st</sup> July 2025***

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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 University 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 aims to provide a quick, simple process with a strong focus on trained staff having the power to deal with complaints as soon as possible. Investigations and outcomes are intended to be proportionate to the matters raised.

## **2. Who can use this procedure?**

### **2.1 Students**

- 2.1.1 This procedure applies only to enrolled or previously enrolled students of the University. We will only consider complaints from previously enrolled students if the complaint is submitted in line with the timescales set out in this Procedure and otherwise meets the eligibility criteria applicable to complaints.

### **2.2 Groups of students**

- 2.2.1 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.

### **2.3 Apprentices and students studying at partner institutions**

- 2.3.1 Apprentices and students studying at a partner institution can raise a complaint directly with the University. If on receipt of your complaint form we think the matter should be dealt with by your employer or partner institution, we will tell you and explain why. We will also support you to access an alternative, appropriate avenue of complaint.

- 2.3.2 On conclusion of any University complaint investigation and resolution, apprentices who wish to pursue their concerns further can complain to the [Department for Education](#).

## **2.4 Staff**

- 2.4.1 We only accept complaints from University staff where the staff member is an enrolled student of the University and the issue is to do with their learning experience. Any staff member wishing to raise concerns about their staff experience is advised to seek guidance from HR. If you are a staff member wishing to raise concerns about student behaviour, you should refer to the Student Disciplinary Procedure (Non-Academic).
- 2.4.2 If you are a postgraduate research student or post-doctoral researcher who is employed by the University, you can use this procedure to complain about your learning experience e.g. lack of support from a supervisor. If your complaint relates to your employment status (e.g. concerns about your line manager), this Procedure will not apply and you should seek guidance from HR.

## **2.5 Third parties**

- 2.5.1 We will only accept a complaint from a third party if the third party is acting as your nominated representative with your express written permission. If we receive a complaint in your name from a third party but have not been informed by you that they are acting as your representative, we will explain to the third party that we cannot discuss the issues raised without your permission. We will contact you to seek your permission to communicate with the third party about the issues raised.

## **2.6 Members of the public**

- 2.6.1 We do not accept complaints from members of the public but will endeavour to address any concerns that are raised with us as far as we can. If you are a member of the public and submit a complaint, we will usually put you in touch with the staff member we think is best placed to address your concerns. We will not conduct a formal investigation of concerns raised by a member of the public under this Procedure.

## **2.7 Anonymous complaints**

- 2.7.1 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 as part of any formal investigation. However, we can use the information gathered to provide better support to others and inform prevention work across the university.

- 2.7.2 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.

## **2.8 *Malicious and vexatious complaints***

- 2.8.1 If at any time during the complaints process your behaviour is considered vexatious or malicious, we may decline to continue consideration of your complaint. We may also make a referral under the Student Disciplinary Procedure (Non-Academic) or Fitness to Practise Procedure.
- 2.8.2 Malicious or vexatious behaviour might include (but is not limited to):
- Seeking to raise further complaints about issues that have already been addressed under this Procedure.
  - Persistently seeking to raise complaints in response to situations where you are given information or outcomes with which you do not agree.
  - Raising complaints which have an intent to annoy, harass, or cause trouble, rather than raising legitimate concerns.
  - Raising complaints which appear to have no reasonable grounds and are not supported by any relevant evidence.

## **3. What can you complain about?**

- 3.1 You can complain about any aspect of your experience whilst at University. However, please note the specific guidance set out below.

### **3.2 *Complaints not falling under this procedure***

- 3.2.1 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.

### **3.3 *Complaints about harmful behaviour***

- 3.3.1 Where you experience harmful behaviour, we encourage you to report it through the [Report and Support online system](#) (please open with Google Chrome as some display features do not function in other browsers). Harmful behaviour includes (but is not limited to) bullying, harassment, discrimination and sexual misconduct such as sexual assault and sexual harassment.

3.3.2 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 your concerns formally.

### 3.3.3 *Student behaviour*

3.3.4 Complaints about student behaviour which are the subject of University action will usually be dealt with under the Student Disciplinary Procedure (Non-Academic) or, if you are on a course which leads to professional registration, the Fitness to Practise Procedure. Full details of how such complaints will be handled are set out within those documents.

3.3.5 Where you make a complaint about a student's behaviour under this Student Complaints Procedure, and the complaint is dealt with under an alternative procedure, 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 5.4).

### 3.3.6 *Staff behaviour*

3.3.7 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.

3.3.8 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 Policy) 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.

3.3.9 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.

3.3.10 Where a matter is investigated under the Student Complaints Procedure, you will receive a formal complaint outcome. It may be necessary to keep details of any action taken against a staff member confidential, but we will provide you with as much information as we can in line with confidentiality. You will have the right to request a review of the formal complaint outcome (see section 5.5).

3.3.11 Where a matter is investigated under the Staff Disciplinary Policy, the outcome will usually be shared only 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 harmful 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 remedy, depending on the nature of the concern, the impact on you, and what you are seeking.

3.3.12 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, we will issue you with a Completion of Procedures letter and close the formal investigation.

#### **3.3.13 *Third party behaviour***

3.3.14 You may complain about third party behaviour e.g. behaviour you have experienced from a member of the public or students from another institution. In those circumstances, we will not be able to investigate as we will have no jurisdiction over the people involved. However, we can offer you wellbeing support and guidance to identify how you can pursue your concerns through alternative, appropriate avenues.

### **3.4 *Complaints about partner organisations***

3.4.1 You can make use of this procedure to raise concerns about your experience at partner organisations. This includes partner institutions delivering academic courses, placement providers (where the placement has been arranged by the University), and employers (where the employment is part of your course of study e.g. you are an apprentice). If on receipt of your complaint form we think the matter should be dealt with by the partner, we will tell you and

explain why. We will also support you to access an alternative, appropriate avenue of complaint.

### **3.5 *Complaints about the Students' Union***

- 3.5.1 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.

### **3.6 *Complaints associated with freedom of speech***

- 3.6.1 Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference. The University has a [Code of Practice on Freedom of Speech](#).
- 3.6.2 Freedom of speech within the law is protected. This means that freedom of speech will not be protected if it contravenes some other law and illegal or unlawful acts will not be tolerated by the University.
- 3.6.3 The University has a duty to protect its staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, this should not be interpreted to undermine freedom of speech and academic freedom. As a result, your learning experience may include exposure to research, course material, discussion or speaker's views that you find offensive, contentious or unacceptable, but are nonetheless within the law.
- 3.6.4 Where we receive a complaint about exposure to research, course material, discussion or speaker's views that you find offensive, contentious or unacceptable, we will investigate the complaint in line with this procedure. However, we will assume that the matters raised constitute free speech unless our investigation demonstrates that harassment (or any other behaviour in breach of University policies or procedures) has taken place. If the evidence gathered through investigation does not demonstrate that harassment has taken place, we will assume it has not.

### **3.7 *Ineligible complaints***

- 3.7.1 If when we receive your complaint we think it falls outside the allowed grounds of complaint, 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. Support available**

### **4.1 Wellbeing support**

- 4.1.1 Although we would need to conduct a formal investigation to make specific findings about a complaint and to offer a formal resolution, you are not obliged to make a formal complaint and support is available to you irrespective of whether or not you make a formal complaint.
- 4.1.2 If you want to access support but do not want to pursue a formal complaint, we encourage you to log your concerns with contact details via Report and Support. This will ensure the [Mental Health and Wellbeing team](#) can contact you to offer support.
- 4.1.3 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.

### **4.2 Independent advice**

- 4.2.1 Independent advice on pursuing a complaint and the complaints process is also available from the [Students' Union Advice Centre](#).

### **4.3 Companion at meetings**

- 4.3.1 You are entitled 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.

### **4.4 Reasonable adjustments for disability**

- 4.4.1 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.
- 4.4.2 Anyone taking part in a complaint meeting is entitled to ask for a break at any time, irrespective of whether or not you have a disability.

## **5. The complaints process**

- 5.1 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.

- 5.2 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.

### **5.3 *Informal resolution***

- 5.3.1 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. 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.
- 5.3.2 Your first point of contact in raising a complaint informally should usually be your Course Leader for any academic matters. For matters relating to other areas of your University experience, you should make use of any existing point of contact you have within the relevant service. If you want to speak to someone about resolving a complaint informally but are unsure who to talk to, [Student Governance](#) or the [Students' Union Advice Centre](#) can advise you.
- 5.3.3 If a complaint cannot be resolved informally, is not suitable for informal resolution (e.g. because the concerns raised are very serious), or you do not wish to engage with informal resolution, you should submit a formal complaint: see 5.4.1.

### **5.4 *Formal investigation***

- 5.4.1 Formal complaints should be submitted to the Student Governance team using the relevant formal complaint form. You can find a link to access the form at Section 7.1 below. 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.
- 5.4.2 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.

- 5.4.3 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. Further information on anonymous complaints is set out at section 2.7.
- 5.4.4 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.
- 5.4.5 *Case Officer process*
- 5.4.6 A Case Officer will be appointed to investigate your complaint. This may be an academic or member of professional services staff who will have received training to conduct investigations.
- 5.4.7 The Case Officer may contact you to seek further evidence and may obtain any evidence required from your course team or other University staff. The Case Officer may also meet with relevant staff to discuss your complaint.
- 5.4.8 The Case Officer will usually arrange a meeting with you to discuss your complaint and any evidence you have provided. If you do not attend an arranged meeting with the Case Officer, they may proceed to conclude their investigation without speaking to you. If a meeting is arranged but you find you cannot attend, you should inform Student Governance as soon as possible beforehand so that an alternative meeting can be arranged. We will not usually postpone a meeting more than once and may request evidence if you seek a second postponement and your request is based on personal circumstances.
- 5.4.9 The Case Officer will draft a report and will make findings on the balance of probabilities i.e. which version of events is more likely to have occurred, taking into account all the available evidence and information.
- 5.4.10 Case Officer meetings will not usually be recorded unless recording the meeting represents an agreed reasonable adjustment. You must not record a Case Officer meeting if you do not have permission to do so; permission can be sought from Student Governance.
- 5.4.11 The Case Officer will then recommend an outcome. The recommended outcome will be sent to the Assistant Director Student Services and an appropriate member of academic staff for approval, to ensure the recommended outcome is reasonable and practicable.
- 5.4.12 If the recommended outcome is not approved, it may be replaced with an alternative outcome (for example, you may be offered more or less

compensation than the Case Officer had recommended); or the Case Officer may be asked to conduct further investigation. In exceptional circumstances, we may need to appoint a new Case Officer e.g. if the Case Officer's findings are not considered reasonable on the basis of the available evidence. If this happens, we will tell you and explain why. We will also explain any revised timescales.

5.4.13 The final approved outcome will be sent to you alongside a copy of the Case Officer's report and the evidence considered. We will also give you guidance on any relevant next steps (including making use of the Review stage).

#### *5.4.14 Timescales*

5.4.15 You should usually make a complaint within 15 working days of a single incident or the last of a series of incidents occurring.

5.4.16 If you submit a complaint beyond the timeframe of 15 working days, we will consider whether or not the delay has been reasonable. If we decide that the delay is unreasonable, we will deem your complaint ineligible and it will not proceed to formal investigation. We may still ask appropriate staff to address the concerns you have raised, by way of informal resolution.

5.4.17 As part of our consideration of delay, we will take into account:

- Whether you have provided an explanation for your delay, and whether the explanation is reasonable. For example, we are unlikely to accept a complaint that was delayed because you had been on holiday or had made a decision to prioritise other life commitments; we may accept a complaint that was delayed because you were unwell (subject to the further points below). This procedure contains assurances that you will not be the subject of detrimental treatment as the result of raising a complaint: therefore we will not consider concerns about repercussions as a valid reason for a delayed complaint, unless there is clear evidence of legitimate risk of repercussions happening.
- Whether you have provided evidence to support the explanation of your delay. For example, we are unlikely to accept a complaint if you explain that it was submitted late due to you being unwell, but you fail to provide any evidence of your illness.
- Who caused the delay. For example, we may accept a late complaint if we can see that the delay was caused by University staff or processes.
- Whether you have been otherwise engaging with the complaints process during the period of delay. For example, we may accept a late complaint if we can see that you have been trying to resolve your concerns informally since before the period of 15 working days expired.

5.4.18 We aim to complete investigation of a complaint within 35 working days. This includes any time we spend seeking to informally resolve the case after receipt of your formal complaint. The period of 35 working days begins from the first working day we receive your complaint.

## **5.5 Review**

5.5.1 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.

5.5.2 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.

5.5.3 Review requests should be submitted to the Student Governance 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.

5.5.4 Review requests will usually be considered by the Assistant Director Student Services, but in cases of conflict or absence will be considered by a suitably senior staff member with experience of considering complaints. 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.

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

### 5.5.6 *Timescales*

- 5.5.7 You should usually submit a review request within 15 working days of being sent the formal complaint outcome.
- 5.5.8 If you submit a review request beyond the timeframe of 15 working days, we will consider whether or not the delay has been reasonable. If we decide that the delay is unreasonable, we will deem your review request ineligible and it will not proceed to full consideration.
- 5.5.9 In deciding whether your review request has been unreasonably delayed, we will take into account the factors listed at 5.4.17.
- 5.5.10 We aim to complete review requests within 15 working days. The period of 15 working days begins from the first working day we receive your review request.

## 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 and support**

- 7.1 The Formal Complaint Form and Formal Complaint Review Request Form can be found [on iCity](#) (scroll down to the section named 'Attachments'). If you do not have access to iCity (for example, because you have been withdrawn) the relevant forms are also available on [the University's website](#) (look for the 'Academic Regulations, Policies, and Procedures' section for the current academic year).
- 7.2 The following documents are also relevant to the complaints procedure and issues touching on complaints:
- [Guiding Principles of Casework Procedures](#)

- [Academic Regulations](#)
- [University Community Agreement](#)
- [Definitions of Harmful Behaviours and Related Issues](#)
- [Student Disciplinary Procedure \(Non-Academic\)](#)
- [Fitness to Practise Procedure](#)
- [Student Gender-Based Violence Policy](#)
- [Student Bullying and Harassment Policy](#)
- [Code of Practice on Freedom of Speech](#)

7.3 Support is available from the following teams:

- [Mental Health and Wellbeing](#): emotional and wellbeing support for any student affected by personal circumstances or who find the complaints process causes distress.
- [Disability Support](#): advice and support for disabled students on accessing reasonable adjustments.
- [Money and Childcare Advice](#): information, advice and guidance on a range of student finance, funding and money matters.
- [Student Governance](#): information regarding the complaints process.
- [Students' Union Advice Centre](#): independent advice on any aspect of making a complaint.

## Document Control Statement

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