

UNIVERSITY OF BIRMINGHAM

Student Complaints Procedure

Introduction

- 1 The University of Birmingham is committed to providing a high quality educational experience, fully supported by a range of academic and administrative services and facilities. From time to time, however, things do go wrong, and the University recognises the need for students to be able to express their dissatisfaction where this happens.
- 2 The Students' Charter (<http://www.student.bham.ac.uk/studentcharter>) sets out the entitlements and responsibilities of students. If students believe they have a legitimate complaint, their first step should be to refer to the Students' Charter. This will clarify what may reasonably be expected in the relevant area. The Students' Charter carries significant weight throughout this Complaints Procedure (hereafter 'the Procedure'), but it is through the Procedure that the University provides students with an accessible system for raising concerns, and ensures that their complaints are handled as fairly, consistently and quickly as possible.
- 3 All complaints will be dealt with constructively and, where a complaint is upheld, the University will take reasonable action to ensure that similar situations do not occur in the future.
- 4 All information received as a result of a complaint investigation will remain confidential to those involved in the process. However, it should be noted that, in the interests of natural justice, individuals/Schools/Colleges/Corporate Services who/which are named in a complaint have the right to know the full details of the complaint and will, therefore, receive a copy of the complaint.
- 5 Students who make complaints (hereafter 'Complainant(s)') through this procedure may do so without fear of recrimination. Where, however, a complaint is shown to be vexatious or motivated by malice, disciplinary action may be taken against the Complainant.
- 6 The Procedure will be applied equally to complainants from all equality and diversity groups.
- 7 Every effort will be made to adhere to the time limits set out in this Procedure. There may be occasions, however, when this is not possible. In this event the Complainant will be kept informed of progress.
- 8 For the purposes of this Procedure 'working days' refers to University working days (i.e. Mondays – Fridays, excluding Public Holidays and University Closed Days).
- 9 In order to ensure that a thorough investigation of a complaint is made, the University expects to be able to collect appropriate information from all the parties involved. Anonymous complaints, therefore, will not be dealt with under this Procedure.
- 10 The Director of Academic Services (or nominee) reports annually to the University Quality Assurance and Enhancement Committee on all formal complaints raised during the year. These reports form part of the University's quality assurance process and may be made available to others for reference, such as the University Council which is the University's governing body. These reports are anonymised.

- 11 Papers relating to formal complaints will be held on file for seven years from the date of resolution of the complaint and will then be destroyed.

Scope of the Procedure

- 12 The Procedure is restricted to currently registered students of the University of Birmingham. However, it can be used by former students within three months of leaving the University, provided that the event(s) or issues complained about took place while they were registered students and that exceptional circumstances prevented them from raising the matter within one month of the incident giving rise to the complaint (as set out in paragraph 23 below).
- 13 No complaints from third parties will be dealt with under this Procedure. Correspondence will not normally be entered into with third parties, except in exceptional circumstances, and only with the signed authority of the Complainant. Except in exceptional circumstances, the letter confirming the outcome of a complaint will be sent only to the Complainant.
- 14 The Procedure, which can be used for both individual and collective complaints, is designed for complaints relating to:
- Programmes, modules, services or facilities provided by the University;
 - Actions, or lack of actions, by the University and its staff.
- 15 Where a complaint concerns a placement which contributes to a module or programme (e.g. an industrial, clinical or other work-related placement), the nature of the complaint will dictate whether the complaint should be addressed by the organisation providing the placement or by the University. Further guidance may be sought from the Student Complaints Officer (or nominee).
- 16 The Procedure should **not** be used for any of the following, for which separate procedures exist. The section within the University which has responsibility for the relevant procedure is indicated in *italics*.
- Harassment and bullying **[subject to any amendments to H&B procedure]**
 - Complaints against students (*Student Conduct and Appeals*);
 - Appeals against academic assessment and progress decisions (*Student Conduct and Appeals*);
 - Review of admissions decisions (*College Admissions Tutor; Director of Admissions; Director of Academic Services; Pro-Vice-Chancellor*);
 - Appeals against disciplinary or other penalties (*Student Conduct and Appeals*);
 - Claims in respect of personal injury or damage to property (*the Insurance Officer in Finance*);
 - Staffing issues, where the Complainant is also a member of staff (*Human Resources*);
 - Complaints concerning the Guild of Students (*the Guild of Students*);
 - Complaints concerning businesses operating on University premises, but not owned by the University (*the business in question*);
 - Complaints about Access to Learning Fund decisions (*Student Funding Office*);
 - Complaints falling within other procedures established within the University.

- 17 The Student Complaints Procedure cannot be used to challenge the professional academic judgment of examiners on the performance of students.
- 18 **[NB: The section in italics is subject to consultation with HR]** *Where a complaint concerns the professional conduct of a member of the University's staff, the Complainant will be invited to attend an initial meeting with the Head of School/Corporate Service (or nominee) to discuss the matter further¹.*

Following the initial meeting, the Head of School/Corporate Service (or nominee) should investigate the complaint in accordance with the local stage of the Student Complaints Procedure as set out in paragraphs 27 - 31 below. The Head of School/Corporate Service should liaise with Human Resources regarding relevant staff policies and procedures.

Following investigation, the Head of School/Corporate Service may determine one of the following outcomes:

(a) That there is prima facie evidence to support the initiation of disciplinary action against a member of staff. If this is the case, the Head of School/Corporate Service will refer the matter to Human Resources for further action under the University's staff disciplinary procedures.

(b) That the complaint raises other issues which do not relate to the professional conduct of a staff member and which are eligible for consideration under the Student Complaints Procedure. If this is the case, the Head of School/Corporate Service will liaise with the Student Complaints Officer (or nominee) in order for the issues to be considered at an appropriate stage of the Procedure.

(c) That the complaint is unfounded. If this is the case, no further action will be taken. The decision of the Head of School/Corporate Service is final and the Complainant may not challenge the outcome.

In all cases, the Head of School/Corporate Service will respond to the Complainant in writing, as set out in paragraph 30 below, in order to explain the outcome. If the outcome falls into categories (a) or (c), the response will be copied to Human Resources instead of to the College Director of Quality Assurance and Enhancement.

- 19 If, upon receipt of a complaint, it is felt that the issues raised fall into one of the categories listed in paragraphs 15 to 17 above, the Complainant will be advised how to proceed by the Student Complaints Officer (or nominee). The University may decide that, in the interests of fairness, a complaint which contains elements falling within these categories should be resolved solely within one of those designated procedures.
- 20 Where a complaint concerns collaborative provision (e.g. a programme delivered by another organisation and validated by the University of Birmingham), the collaborative organisation will normally handle the local stage of the Procedure. If the matter is not resolved to the student's satisfaction, the student may then submit a formal complaint to the University, providing that the terms of the collaborative agreement between the University and the collaborative organisation allow.
- 21 Where a complaint concerns issues of equality (such as disability, gender, age, sexuality, ethnicity or religion), the Complainant may wish to seek advice from the University's Equality and Diversity Adviser (Students).

¹ In the case of an allegation of bullying or harassment against a member of staff, the initial meeting will be with a Student Conduct Officer [insert ref to revised H&B procedure?]. If it is determined that the complaint warrants further investigation, the complaint will be referred to the Head of School/Corporate Service.

Stages

- 22 The Student Complaints Procedure is divided into two main stages: the local stage and the formal stage. Each stage comprises the following 'sub-stages':

1) Local stage

- a) Initial consideration by an appropriate member of staff (paragraph 24)
- b) Written complaint to the Head of School or Corporate Service (paragraphs 25 – 33)

2) Formal stage

- a) Consideration by the Student Complaints Officer (or nominee) (paragraphs 42 – 45)
- b) Mediation (paragraphs 46 - 51)
- c) Complaints Review Panel (paragraphs 52 - 58)

Following completion of the formal stage, the Complainant may be eligible to complain to the Office of the Independent Adjudicator for Higher Education (paragraphs 60 - 62).

The Local Stage

- 23 Save in exceptional circumstances it is expected that a complaint would normally be raised within one month of the incident giving rise to the complaint.
- 24 It is expected that most complaints will be resolved informally and as close to the origin of the complaint as possible. However students should first review whether they have fulfilled their responsibilities in accordance with the Student Charter. If so, the student should raise the complaint initially with the most appropriate member of staff within the relevant School/Corporate Service (e.g. the Programme Director, Personal Tutor or Supervisor or Manager) who will try to resolve the complaint.
- 25 If this is not possible, or if the outcome is not satisfactory, the student should raise the complaint in writing using the University's complaints form and send the completed form to the Head of School or the Head of the relevant Corporate Service² within one month of the date of the initial response from the person authorised by the University to provide that response (as detailed in paragraph 24).
- 26 Copies of the complaints form are available on the web at <http://www.as.bham.ac.uk/legislation/complaints.shtml>, and from Schools or from the Advice and Representation Centre (ARC) in the Guild of Students. The form should detail the aspects of the complaint, what action has already been taken (if applicable) to attempt a resolution, and why the action taken has not led to resolution of the complaint. The desired redress should be stated clearly. The complaints form is designed to ensure that the University is provided with the information necessary to investigate the complaint. If the Complainant does not set out the complaint using the complaints form, it is likely that the process will be delayed.
- 27 The Head of School/Corporate Service will make some initial investigations and try to resolve the complaint themselves or appoint a nominee to do so on their behalf. The Head of School/Corporate Service (or their nominee) should arrange a meeting with the Complainant to discuss the complaint in detail. The Complainant is entitled to be accompanied at any such meeting by a 'friend', who should be a member of the University. The role of the friend is to support the student, and not normally to assist them to explain the nature of the complaint. If, after reasonable attempts to arrange the

² If the Head of School or Corporate Service is directly implicated in the complaint, the complaints form should be sent to the College Director of Quality Assurance and Enhancement or to the Registrar and Secretary respectively, who may nominate an alternative member of staff to investigate and respond to the complaint.

meeting, the student is unwilling or unable to attend, the Head of School/Corporate Service (or nominee) may proceed with their investigation in the absence of the student.

- 28 Advice and assistance in formulating the complaint is available to the Complainant from the ARC.
- 29 Please note that local-level complaints about accommodation issues are dealt with by Hospitality and Accommodation Services in accordance with the Universities UK (UUK) Code of Practice for the Management of Student Housing. Further information is available at <http://www.has.bham.ac.uk/studentaccom/>.
- 30 If all parties are agreeable, mediation may be attempted at the local stage as well as at the formal stage of the Procedure. If this is the case, referral will be made to one of the team of student complaint mediators, who are members of staff experienced in dealing with student problems and trained and qualified in mediation (see paragraphs 45-51 below).
- 31 The Head of School/Corporate Service (or their nominee) will investigate the matter and provide a detailed written response to the Complainant, normally within 20 working days of the date of the receipt of the complaints form. If it is not possible to adhere to this deadline, the Head of School/Corporate Service (or nominee) will advise the Complainant of the reason for the delay and will keep the Complainant informed periodically of the progress of the investigation.
- 32 A copy of the response from the Head of School/Corporate Service (or nominee) will be sent to the Student Complaints Officer (or nominee) and the College Director of Quality Assurance and Enhancement for information. If the Director of Quality Assurance and Enhancement considers the issues raised in the complaint to be pertinent to the College's learning and teaching policies and practice, s/he may refer the complaint to the College Director of Education for information and appropriate action.

Possible responses to the Complainant may include:

- Letter of explanation and/or apology
- Recommendations for further actions within the School
- Recommendations for changes in University procedures/policies etc to be submitted to the appropriate University Committee
- Offer of re-imbursement of expenses up to a maximum of £100

If the Head of School/Corporate Service (or nominee) wishes to offer an alternative form of redress, he should discuss this with the Student Complaints Officer (or nominee).

- 33 Schools, Colleges and Corporate Services should ensure that local-level complaints submitted on the University's complaints form are recorded and monitored so that any themes or trends can be identified and followed up as appropriate.
- 34 If, having pursued the matter at a local level, the Complainant believes that his concerns have not been addressed to his satisfaction, the matter may be raised through the formal stages of this Procedure set out below.
- 35 Complainants are strongly recommended to consult the ARC before proceeding further. ARC members can assist in a number of ways, such as completion of the complaints form, or discussing and researching issues raised. The Guild's elected representatives are there specifically to help students.
- 36 The Counselling and Guidance Service is also available to provide support for students during this process.

- 38 Members of staff from the College/School/Corporate Service will, in conjunction with the Student Complaints Officer (or nominee), carry out periodic reviews of the processes followed and judgements made at the local stage of the procedure to ensure that good practice is being maintained.

The Formal Stage

- 39 The formal stage of the Procedure may only be commenced after the local stage has been completed. Formal complaints must be made in writing, using the University's complaints form, within one month of the date of the response from the Head of School/Corporate Service at the local stage.
- 40 Copies of the complaints form are available on the web at <http://www.as.bham.ac.uk/legislation/complaints.shtml>, and from Schools or from the ARC. When completed, the form should be sent to the Student Complaints Officer (or nominee) in Academic and Student Administration. The form should detail the aspects of the complaint, what action has been taken by the student to attempt a resolution with the School or Corporate Service, and why the action taken by the School or Corporate Service following notification of the complaint has not led to resolution of the complaint. The desired redress should be stated clearly. The complaints form is designed to ensure that the University is provided with the information necessary to investigate the complaint. If the Complainant does not set out the complaint using the complaints form, it is likely that the process will be delayed.
- 41 Complaints will be acknowledged by the Student Complaints Officer (or nominee) within 5 working days of receipt.
- 42 In some cases, in cooperation with the School or Corporate Service or other individuals, the Student Complaints Officer (or nominee) may be able to resolve the student's difficulty. The role of the Student Complaints Officer (or nominee) is not to carry out a re-investigation of the complaint, but to identify where possible solutions or clarifications could be offered to try to resolve the complaint at that point in the process. The Student Complaints Officer (or nominee) will not normally seek an interview with the Complainant.
- 43 If the Student Complaints Officer (or nominee) judges that possible solutions or clarifications could usefully be offered to the Complainant, he will aim to respond to the Complainant within 20 working days of receipt of the formal complaint. To help facilitate this, the Head of School/Corporate Service must provide to the Student Complaints Officer (or nominee) a report of the facts surrounding the complaint, and a copy of any related documents not already supplied by the Complainant.
- 44 Alternatively, the Student Complaints Officer (or nominee) may refer the complaint directly to mediation (see paragraphs 46 - 51 below).
- 45 Where a resolution is proposed in writing to the Complainant by the Student Complaints Officer (or nominee), the Complainant must indicate in writing within one month whether he is prepared to accept the proposed resolution, or whether he wishes to proceed to mediation.

Mediation

- 46 Where it is not possible for the Student Complaints Officer (or nominee) to resolve the complaint, it will normally be referred to one of the team of student complaint mediators, who are members of staff experienced in dealing with student problems, and trained and qualified in mediation. The University will aim to complete mediation within 6 weeks of referral to mediation, subject to the availability of those involved in the process.
- 47 The mediator's task is to attempt to help the Complainant and the School/Corporate Service or individuals about whom the complaint is made, together to find a resolution to

the complaint that is satisfactory to all parties. In any particular case the mediator may be assisted or supported by a second mediator. Each party will also be invited to attend a pre-mediation meeting with the Student Complaints Officer (or nominee) and at least one trained mediator, in order to determine whether the case is suitable for mediation.

- 48 Supported by the Student Complaints Officer (or nominee), the mediator will meet with the Complainant. The mediator will also discuss the matter with those about whom the complaint is made, and, in whatever manner the mediator feels appropriate, attempt to help all those involved to resolve the difficulties or disagreements. This may involve a meeting with both the student and the Head of School/Corporate Service (or nominee) together. The student is entitled to be accompanied at any such meeting by a friend.
- 49 The mediation process is confidential, although an anonymous report may be forwarded by the mediator to the Academic Quality Unit or appropriate University committee where more general issues concerning quality and provision for students have been raised. Further information about the process can be obtained from the Student Complaints Officer (or nominee).
- 50 If the complaint is resolved, the mediator will normally put any agreement between the parties in writing for their benefit. Any further issues in relation to the agreement should be raised initially with the Student Complaints Officer (or nominee).
- 51 If the complaint remains unresolved, the mediator will discuss the reasons with the Complainant and the Head of School or Corporate Service (or nominee) and prepare a statement on the outstanding issues, agreed by both parties.

Complaints Review Panel

- 52 If the complaint remains unresolved following mediation, or was not considered suitable for mediation, the Complainant may request that the case be referred to a Complaints Review Panel. The request must be made in writing on the prescribed form (available on the web at <http://www.as.bham.ac.uk/legislation/complaints.shtml>) within one month of the date of the statement of outstanding issues prepared by the mediator.
- 53 The Complaints Review Panel will be chaired by the Pro-Vice-Chancellor (Academic Quality and Students) or one of his deputies. The Chair will appoint two further members according to the nature of the complaint; either two members of Senate, or one member of Senate and one Senior Officer (i.e. a Head of a Corporate Service) not previously involved in the complaint. The Student Complaints Officer (or nominee) will act as Secretary to the Panel. The Complainant will be given the opportunity to object to the composition of the Panel, in writing, within a specified time period before the Panel meets.
- 54 The Complaints Review Panel will carry out a paper-based review of the complaint, based upon the key documents generated at earlier stages of the process and any further documentation which the Complainant and the School/Corporate Service wish to add.
- 55 A copy of the Complainant's submission will be provided to the Head of School/Corporate Service (or nominee), who will have the opportunity to provide further clarification or comment using the prescribed 'School/Corporate Service Response' form. The completed form will be copied to the Complainant for information. Any further comments from the Complainant will be copied to the School/Corporate Service.
- 56 The role of the Complaints Review Panel is to determine whether:
 - (a) The appropriate processes have been followed during consideration of the case; and
 - (b) Those considering the case have exercised fairness and proportionality in applying their judgment.

57 Following the Review, the Panel may decide:

- (a) That the processes followed and judgments applied were appropriate; or
- (b) That the case be referred to an earlier stage of the Procedure for reinvestigation; or
- (c) That an alternative resolution be proposed to the Complainant.

58 The outcome of the Complaints Review Panel meeting will be communicated to the Complainant in writing, normally within 5 working days of the Panel meeting.

Grievance to Council

59 The Complaints Review Panel completes the University's internal procedures. Should the Complainant still feel aggrieved, he may raise a grievance to the University Council concerning an issue or issues which, in the opinion of the Registrar and Secretary, concern(s) matters of University governance. Further details are available at <http://www.as.bham.ac.uk/study/support/sca/grievance.shtml>.

Office of the Independent Adjudicator (OIA)

60 If the complaint does not meet the criteria for pursuing a grievance to Council, or if the grievance procedure has been completed without achieving a resolution of satisfaction to the Complainant, the Complainant may ask the OIA to consider the complaint. The OIA will normally review a case only if all internal University procedures have been exhausted. A Completion of Procedures Letter will be issued by the University and sent to the Complainant following the Complaints Review Panel or grievance procedure, as applicable. The Completion of Procedures Letter will be required by the OIA as proof that the University's internal procedures have been exhausted.

61 Guidance on the OIA scheme can be obtained through the Registrar and Secretary, Director of Academic Services, Guild of Students, or the OIA web site: www.oiahe.org.uk

62 It is intended that the University's Student Complaints Procedure should complement the rights of students as established in University legislation. The operation of the Procedure will be kept under review and any necessary changes made in the light of experience.

Approved by the Academic Policy and Regulations Committee on **DATE**