

UNIVERSITY OF BIRMINGHAM

Student Concerns and Complaints Procedure

1 Introduction

- 1.1 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.
- 1.2 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 reason for raising a concern or a 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 Student Concerns and Complaints Procedure (hereafter 'the Procedure'), but it is through the Procedure that the University provides students with an accessible system for raising concerns and complaints, and ensures that these are handled as fairly, consistently and quickly as possible.
- 1.3 The Procedure is restricted to Registered Students¹ of the University of Birmingham. However, it can be used by former students² within three months of leaving the University, provided that the event(s) or issues raised took place while they were Registered Students and that exceptional circumstances prevented them from raising the matter within one month of the relevant incident (as set out in paragraph 3.2 below).
- 1.4 The Procedure can be used for both individual and collective concerns or complaints relating to:
 - Programmes, modules, services or facilities provided by the University;
 - Actions, or lack of actions, by the University and its staff.
- 1.5 Further information about the operation and scope of the Procedure is set out in Appendices 1 and 2. Appendix 3 explains the University's process for monitoring student concerns and complaints, and sources of advice and support for students are detailed in Appendix 4. In particular, students are advised to contact the Advice and Representation Centre (the ARC) in the Guild of Students for advice and support throughout the process of raising a concern or a complaint. Further information and the ARC's contact details are available in paragraphs A4.1 and A4.2 of Appendix 4.

2 Stages of the Procedure

- 2.1 The Student Concerns and Complaints Procedure is divided into two main stages which must be followed sequentially: the informal stage and the formal stage, as follows:
 - 1) Informal stage ('concerns')
 - a) Where appropriate, initial consideration of the student's concern by a relevant member of staff (paragraphs 3.1 – 3.2)

¹ The term 'Registered Student' is defined in the University Statutes at <http://www.as.bham.ac.uk/legislation/>.

² For the purposes of this Procedure, the term 'student' therefore applies to both current and former students of the University.

- b) Review of the student's concern (if required) carried out by the Head of School or Corporate Service (paragraphs 3.3 – 3.7)

2) Formal stage ('formal complaints')

- a) Mediation (paragraphs 5.1 – 5.8)
- b) Complaints Review Panel (paragraphs 6.1 – 6.7)

Following completion of the formal stage, the student may be eligible to complain to the Office of the Independent Adjudicator for Higher Education, an independent body which reviews student complaints (paragraphs 8.1 – 8.2).

3 Informal Stage ('Concerns')

- 3.1 The informal stage of the Procedure is designed to provide students with an opportunity to resolve concerns informally within the relevant School or Department. Further information about matters which are eligible for consideration under the Procedure is available in Appendix 2.
- 3.2 It is expected that most concerns will be resolved informally and as close to the origin of the concerns as possible. Students may first wish to discuss their concerns with the ARC, and should review whether they have fulfilled their responsibilities in accordance with the Student Charter. If so, the student should raise his concerns 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 matter informally. Save in exceptional circumstances it is expected that concerns would normally be raised with an appropriate member of staff within one month of the relevant incident.
- 3.3 If the student remains dissatisfied following consideration of and feedback and/or action regarding his concerns by an appropriate member of staff, the student should raise his concerns in writing using the 'Head of School/Corporate Service Review' form and send the completed form to the Head of School or the Head of the relevant Corporate Service³ within one month of the date of the initial response from an appropriate member of staff (as detailed in paragraph 3.2).
- 3.4 Copies of the 'Head of School/Corporate Service Review' form are available on the web at <http://www.as.bham.ac.uk/legislation/complaints.shtml>, and from Schools or from the ARC. Students are advised to consult the ARC before submitting the form. The form should detail the aspects of the student's concerns, what action has already been taken (if applicable) to attempt a resolution, and why the action taken has not led to resolution of the matter. The desired redress (i.e. outcome) should be stated clearly. The form is designed to ensure that the University is provided with the information necessary to investigate the concerns, and if the student does not set out his concerns in writing using the form, it is likely that the investigation process will be more lengthy.
- 3.5 The Head of School/Corporate Service will carry out an investigation in order to try to resolve the student's concerns themselves, or will appoint a nominee to do so on their behalf. The Head of School/Corporate Service (or their nominee) should arrange a meeting with the student to discuss the issues in detail. The student is entitled to be accompanied at any such meeting by a 'friend', who should be a Member of the University⁴. If required, the ARC can arrange for a Guild representative (normally an elected Sabbatical Officer) to accompany the student. The role of the friend is to

³ If the Head of School or Corporate Service is directly implicated in the student's concerns, the 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 matter.

⁴ The term 'Member of the University' is defined in the University Statutes at <http://www.as.bham.ac.uk/legislation/>.

support the student, and not normally to assist in explaining the nature of the student's concerns. If, after reasonable attempts to arrange the 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.

- 3.6 If all parties are agreeable, mediation may be attempted at the informal 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 University mediators, who are members of staff experienced in dealing with student problems and trained and qualified in mediation (see paragraphs 5.1 – 5.8 below). If mediation is attempted at the informal stage, it is unlikely to be repeated at the formal stage.
- 3.7 The Head of School/Corporate Service (or their nominee) will investigate the matter and provide a detailed written response to the student, normally within 20 working days of the date of the receipt of the 'Head of School/Corporate Service Review' form. If it is not possible to adhere to this deadline, the Head of School/Corporate Service (or nominee) will advise the student of the reason for the delay and will keep the student informed periodically of the progress of the investigation.

Possible responses to the student 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).

- 3.8 If, having pursued the matter at an informal level, the student believes that his concerns have not been addressed to his satisfaction, the matter may be raised as a formal complaint through the stages of this Procedure set out below.

4 Formal Stage ('Formal Complaints')

- 4.1 The formal stage of the Procedure may only be commenced after the informal stage has been completed. Students are strongly recommended to consult the ARC before submitting a formal complaint. 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 informal stage.
- 4.2 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 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 matter has not led to resolution of the student's concerns. The desired redress (i.e. outcome) should be stated clearly. The complaints form is designed to ensure that the University is provided with the information necessary to consider the complaint in full. If the student (hereafter 'Complainant') does not set out the complaint using the complaints form, it is likely that the process will be more lengthy.
- 4.3 Formal complaints will be acknowledged by the Student Complaints Officer (or nominee) within 5 working days of receipt.

- 4.4 In some cases, the Student Complaints Officer (or nominee) may be able to resolve the Complainant's difficulty in cooperation with the School or Corporate Service or other individuals. 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.
- 4.5 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 Student Complaints Officer (or nominee) may request further information or clarification from the School/Corporate Service and/or the Complainant, together with a copy of any related documents not already supplied by either party.
- 4.6 Alternatively, the Student Complaints Officer (or nominee) may refer the complaint directly to mediation (see paragraphs 5.1 – 5.7 below).
- 4.7 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. If mediation has already been exhausted at the informal stage, the complaint will, at the Complainant's request, be referred directly to the Complaints Review Panel (see paragraphs 6.1 – 6.7 below).

5 Mediation

- 5.1 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.
- 5.2 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. The mediator may be assisted or supported by a second mediator.

Pre-mediation Meeting

- 5.3 Each party will 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. The Complainant is entitled to be accompanied at the pre-mediation meeting by a 'friend', as defined in paragraph 3.5.
- 5.4 Following the pre-mediation meeting, each party will be asked to provide a short statement which sets out the party's aims and objectives for the mediation session. In order to facilitate the mediation process, each party's statement will be shared with the other party and with the mediator prior to mediation.

Mediation

- 5.5 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 Complainant and the Head of School/Corporate Service (or nominee) together. The Complainant is entitled to be accompanied at any such meeting by a 'friend', as defined in paragraph 3.5.

Outcome of Mediation

- 5.6 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).
- 5.7 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.
- 5.8 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).

6 Complaints Review Panel

- 6.1 If the complaint remains unresolved following mediation, the Complainant may request that the case be referred to a Complaints Review Panel. The request must be made in writing on the Complaints Review Panel Submission 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.
- 6.2 The Complaints Review Panel will be chaired by the Pro-Vice-Chancellor (Teaching, Learning and Quality) 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.
- 6.3 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. The review does not normally include a 'hearing' or a meeting with either party.
- 6.4 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.
- 6.5 The role of the Complaints Review Panel is to determine whether:
 - (a) the appropriate processes have been followed during consideration of the case;
 - (b) those considering the case have exercised fairness and proportionality in applying their judgment;
 - (c) it is appropriate to propose an alternative resolution to the Complainant at this stage of the Procedure.
- 6.6 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 re-investigation; or
 - (c) that an alternative resolution be proposed to the Complainant.

- 6.7 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.

7 Grievance to Council

- 7.1 The Complaints Review Panel completes the University's Student Concerns and Complaints Procedure. Should the Complainant still feel aggrieved, it may be possible to raise a grievance to the University Council, provided that, in the opinion of the Registrar and Secretary, the complaint concerns matters of University governance. Further details are available at <http://www.as.bham.ac.uk/study/support/sca/grievance.shtml>.

8 Office of the Independent Adjudicator (OIA)

- 8.1 If the Complainant does not wish to submit a grievance to Council, 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.
- 8.2 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.

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

Appendix 1: Operation of the Procedure

- A1.1 Students who raise concerns or formal complaints through this Procedure may do so without fear of recrimination. Where, however, a concern or a formal complaint is shown to be vexatious or motivated by malice, disciplinary action may be taken against the student.
- A1.2 The Procedure will be applied equally to students from all equality and diversity groups.
- A1.3 All information received as a result of an investigation into a concern or a formal complaint 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 concern or a formal complaint have the right to know the full details of the matter and will, therefore, receive a copy of the relevant documentation.
- A1.4 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 student will be kept informed of progress.
- A1.5 For the purposes of this Procedure 'working days' refers to University working days (i.e. Mondays – Fridays, excluding Public Holidays and University Closed Days).
- A1.6 It is intended that the University's Student Concerns and 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.

Appendix 2: Scope of the Procedure

- A2.1 No concerns or 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 student. Except in exceptional circumstances, the letter confirming the outcome of consideration of a concern or complaint will be sent only to the student.
- A2.2 In order to ensure that a thorough investigation of a concern or complaint is made, the University expects to be able to collect appropriate information from all the parties involved. Anonymous concerns or complaints, therefore, will not be dealt with under this Procedure.
- A2.3 The Student Concerns and Complaints Procedure cannot be used to challenge the professional academic judgment of examiners on the performance of students.
- A2.4 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.
- 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 student is also a member of staff (*Human Resources*);
 - Concerns or complaints concerning the Guild of Students (*the Guild of Students*);
 - Concerns or complaints concerning businesses operating on University premises, but not owned by the University (*the business in question*);
 - Concerns or complaints about Access to Learning Fund decisions (*Student Funding Office*);
 - Concerns or complaints falling within other procedures established within the University.
- A2.5 If, upon receipt of a concern or complaint, it is felt that the matter falls into one of the categories listed in paragraph A2.4 above, the student will be advised how to proceed by the Student Complaints Officer (or nominee). The University may decide that, in the interests of fairness, a case which contains elements falling within these categories should be resolved solely within one of those designated procedures.
- A2.6 Where a concern or complaint relates to 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).
- A2.7 Where a concern relates to collaborative provision (e.g. a programme delivered by another organisation and validated by the University of Birmingham), the collaborative organisation will normally handle the informal 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.

- A2.8 Please note that concerns relating to student accommodation are dealt with informally 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/>.

Concerns relating to individual members of University staff

- A2.9 Where a student raises a concern which relates to the professional conduct of a member of the University's staff, the student will be invited to attend an initial meeting to discuss the matter further.
- A2.10 In the case of an allegation of bullying or harassment against a member of staff, the initial meeting may be with a Student Conduct Officer, in accordance with the University's Harassment and Bullying Policy. If the Student Conduct Officer determines that the issue warrants further investigation, it will be referred to the Head of School/Corporate Service.
- A2.11 In the case of all other allegations regarding professional conduct by a member of staff, the initial meeting will be with the Head of School/Corporate Service (or nominee).
- A2.12 Following the initial meeting (and, in cases of harassment and bullying, referral to the Head of School/Corporate Service as appropriate), the Head of School/Corporate Service (or nominee) should investigate the concern in accordance with the informal stage of the Student Complaints Procedure as set out in paragraphs 3.5 – 3.7 of the Procedure. The Head of School/Corporate Service should liaise with Human Resources regarding relevant staff policies and procedures.
- A2.13 Following investigation, the Head of School/Corporate Service (or nominee) may determine one of the following outcomes:
- (a) That the staff disciplinary procedure be initiated by an appropriate person, in accordance with the procedure that applies to the conditions of employment for the member of staff against whom the complaint is raised. The Director of Human Resources or nominee shall identify the appropriate person in consultation with the School/Corporate Service and notify relevant parties of the procedure that is to be followed.
 - (b) That other issues have been raised 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 (or nominee) 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 student's concerns relating to the professional conduct of the staff member are unfounded. If this is the case, no further action will be taken. The decision of the Head of School/Corporate Service (or nominee) is final and the student may not challenge the outcome.
- A2.14 In all cases, the Head of School/Corporate Service (or nominee) will respond to the student and the staff member in writing, as set out in paragraph 3.7, in order to explain the outcome and in accordance with University legislation and general law. 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 and Director of Education.

Appendix 3: Monitoring and Oversight of Concerns and Formal Complaints

- A3.1 All concerns and formal complaints will be dealt with constructively and, where a case is upheld, the University will take reasonable action to ensure that similar situations do not occur in the future.
- A3.2 A copy of the response from the Head of School/Corporate Service (or nominee) at the informal stage will be sent to the Student Complaints Officer (or nominee), the College Director of Quality Assurance and Enhancement, and the College Director of Education for information. If the College Director of Quality Assurance and Enhancement and the College Director of Education consider that the issues raised are pertinent to the College's learning and teaching policies and practice, they will arrange appropriate follow-up action within the School/College.
- A3.4 Schools, Colleges and Corporate Services should ensure that any themes or trends emerging from concerns considered informally by the Head of School or Corporate Service (or nominee) are followed up locally as appropriate.
- A3.5 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 informal stage of the procedure to ensure that good practice is being maintained.
- A3.6 Formal complaint submissions and outcomes will be copied to the Head of College for information.
- A3.7 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.
- A3.8 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.

Appendix 4: Advice and Support for Students

- A4.1 Advice and assistance in formulating a written account of the concern or formal complaint is available to the student from the Advice and Representation Centre (the ARC) in the Guild of Students. Further information about the ARC can be found at <http://www.guildofstudents.com/thearc>. The ARC can be contacted at thearc@guild.bham.ac.uk, on 0121 251 2400 or by visiting the ARC office in person.
- A4.2 Students are strongly recommended to consult the ARC before submitting a formal complaint. ARC members can assist in a number of ways, such as completion of forms, or discussing and researching issues raised. The ARC can also arrange for a Guild representative (normally an elected Sabbatical Officer) to accompany students to meetings in the role of the student's 'friend' as defined in paragraph 3.5. Both the ARC and the Guild's elected representatives are there specifically to help students.
- A4.3 The Counselling and Guidance Service is also available to provide support for students during this process.
- A4.4 Where a concern or formal complaint concerns matters of equality (such as disability, gender, age, sexuality, ethnicity or religion), the student may wish to seek advice from the University's Equality and Diversity Adviser (Students). Further information is available at <http://www.as.bham.ac.uk/study/support/equality/index.shtml>.
- A4.5 Other support mechanisms available within the University include the Student Representation System; personal and/or welfare tutors within Schools system. Further information is available at <http://www.as.bham.ac.uk/support/>.