UNIVERSITY OF BIRMINGHAM

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Please use documents found there rather than archived documents.

UNIVERSITY OF BIRMINGHAM

Student Complaints Procedure
2007/8

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 any 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/Departments/Schools/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(s).

6 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(s) will be kept informed of progress.

7 For the purposes of this Procedure 'working days' refers to University working days (i.e. Mondays – Fridays, excluding Public and University holidays).

8 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.

9 The Academic Registrar reports annually to USMC[1] 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. Reports are anonymized.

[1] University Strategic Management Committee (or equivalent grouping of Vice-Chancellor and Pro-Vice-Chancellors, Senior Officers etc)

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

Scope of the Procedure

11 The Procedure is restricted to currently registered students of the University. However, it can be used by former students within three months of leaving the University, provided that the event(s) complained about took place while they were registered students.

12 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.

13 Where a complaint concerns a placement which contributes to a module or programme (eg 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.

14 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.

- Racial or Sexual Harassment *(by students: Student Conduct and Appeals; by staff: Human Resources)*;
- Appeals against academic assessment and progress decisions *(Student Conduct and Appeals)*;
- Review of admissions decisions (*School Admissions Tutor; Director of Admissions; Academic Registrar; 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;

15 Where a complaint concerns the professional conduct of a member of staff, this should be passed to the Human Resources Office to be handled through its procedures. The Director of Human Resources may decide to refer the matter back to the Head of School/Department/Corporate Service for investigation at local level, rather than having several procedures operating in tandem.

16 If, upon receipt of a complaint, it is felt that the issues raised fall into one of the categories listed in paragraphs 13 to 15 above, Complainant(s) will be advised how to proceed by the Student Complaints Officer. 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.

17 Where a complaint concerns collaborative provision (eg a validated programme), the partner 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.

Stages

18 The procedure is divided into four stages:

Informal

- Attempt to resolve complaint at local level (paragraphs 19 to 27);

Formal

- Mediation (paragraphs 28 to 35)
- Grievance to Council (paragraphs 36 and 37);
- Office of the Independent Adjudicator (OIA) (paragraphs 38 - 40).

Informal Complaints: Attempt to resolve the complaint at local level

19 Save in exceptional and fully documented circumstances it is expected that a complaint would normally be raised within one month of the incident giving rise to the complaint.

20 It is hoped 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 Department/School/Corporate Service[2] (eg the Programme Director, Personal Tutor or Supervisor or Manager) who will try to resolve the complaint.

21 If this is not possible the student may raise the complaint in writing (which may be by email) to the Head of Department/School or the Head of the relevant Corporate Service[2] within one month of the date of the initial response. The Head of Department/School/Corporate Service may make some initial investigations and try to resolve the complaint themselves or appoint a nominee to do so on their behalf.

22 The Head of Department/School/Corporate Service (or their nominee) should arrange a meeting with the student to discuss the complaint in detail. The student is entitled to be accompanied at any such meeting by someone who should be a member of the University ('a friend'). 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 meeting, the student is unwilling or unable to attend, the Head of Department/School/Corporate Service may proceed with their investigation in the absence of the student.

23 Advice and assistance in formulating the complaint is available from the Advice and Representation Centre (ARC) in the Guild of Students.

24 The Head of Department/School/Corporate Service (or their nominee) will investigate the matter and provide a detailed written response to the Complainant(s), normally within 20

[2] 'Corporate Services' comprises Academic Services, the Planning Office, IT Services, Marketing Services, the Finance Office, Estates, Hospitality and Accommodation Services, Legal Services, Human Resources, Communications, and Research and Commercial Services[0]

working days of the date of the receipt of the written complaint. A copy of the Head's response will be sent to the Student Complaints Officer for information.

Possible responses may include:

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

25 If, having pursued the matter informally, the Complainant(s) believes that their concerns have not been addressed to her/his satisfaction, the matter may be raised through the formal stages of this Procedure set out below.

26 Complainants are strongly recommended to consult the ARC in the Guild of Students before proceeding further. ARC members can assist in a number of ways, such as the writing of letters, or discussing and researching issues raised. The Guild's elected representatives are there specifically to help students.

27 The Counselling and Guidance Service is available to provide support for students during this process.

Formal Complaints

28 The Formal Complaints Procedure may only be commenced after the informal process 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 Department/School/Corporate Service at the informal stage.

29 Copies of the complaints form are available on the web at http://www.ppd.bham.ac.uk/policy/cop/complaint.htm, and from School Offices or from the ARC. When completed it should be sent to the Student Complaints Officer in Academic Services. 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 been inadequate. The desired redress should be clearly stated.

30 Complaints will be acknowledged within 5 working days of receipt. In some cases, in cooperation with the School or Corporate Service or other individuals, the Student Complaints Officer may be able to resolve the student's difficulty. To help facilitate this, the Head of Department/School/Corporate Service must provide to the Student Complaints Officer a report of the facts surrounding the incident, and a copy of any related documents not already supplied by the Complainant.

31 Where it is not possible for the Student Complaints Officer to resolve the matter, 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 in mediation. In any particular case the mediator may be assisted or supported by a second mediator.

32 Where a resolution is proposed in writing to the Complainant(s) by the Student Complaints Officer, the Complainant(s) must indicate in writing within one month whether s/he is prepared to accept the proposed resolution, or whether s/he wishes to proceed to mediation.

33 The mediator's task is to attempt to help the student and the School/Corporate Service or individuals about whom the complaint is made, together to find a resolution to the

complaint satisfactory to both parties. Supported by the Student Complaints Officer, the mediator will see the student. 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 someone who should be a member of the University. The mediator will act promptly. The process is confidential, although an anonymous report may be forwarded by the mediator to the Academic Quality Unit or other appropriate University committee where issues concerning quality and provision for students have been raised. Further information about the process can be obtained from the Student Complaints Officer.

34 If the dispute 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.

35 If the dispute remains unresolved, the mediator will discuss the reasons with the student and the Head of School or Corporate Services (or nominee) and prepare a statement agreed by both parties on the outstanding issues.

Grievance to Council

36 Having received this statement, if the Complainant(s) continues to believe that issues remain unresolved, a formal grievance may be raised with the University Council, which is the governing body of the University. This should be done in writing, in accordance with the Council grievance procedure, addressed to the Student Conduct and Appeals Manager in the Academic Office, clearly marked 'Grievance to Council', setting out the nature of the original complaint and the reasons why the Complainant considers the issues as specified in the agreed statement have not been resolved.

37 A grievance to Council must be made within 14 working days of the date of the Mediator summary of outstanding issues and must be in accordance with the relevant University Legislation and Procedures.

Office of the Independent Adjudicator (OIA)

38 Grievance to Council completes the University's internal procedures. Should the Complainant still feel aggrieved, s/he may ask the OIA to consider the complaint. The OIA will normally review a case only if all internal University procedures have been exhausted. Where grievances are not upheld a Completion of Procedures Letter will be issued by the Registrar and Secretary and sent to the student, together with a letter informing the student of the outcome of the Grievance. The Completion of Procedures Letter will be required by the OIA as proof that all internal procedures have been exhausted.

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

40 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.

This Procedure was approved and adopted by Senate on 21 June 2006 and by Council on 4 July 2006. The updated version was approved in October 2007.

UNIVERSITY OF BIRMINGHAM

STUDENT COMPLAINTS FORM

*Please read the **guidance on student complaints** before completing this form - see http://www.ppd.bham.ac.uk/policy/cop/complaint.htm .*

*You are also strongly recommended to consult the **Student Advisors** at the **ARC** (Advice and Representation Centre) **in the Guild** about making a complaint – email: thearc@bugs.bham.ac.uk or phone 0121 251 2400*

*Please indicate if this is a **FORMAL** ☐ or **INFORMAL** ☐ complaint (tick box)*

INFORMAL complaints should be taken up initially with the individual or department(s) concerned.

Completed FORMAL Complaints forms should be posted to
The Student Complaints Officer, The Academic Quality Unit, University of Birmingham, Aston Webb C Block, Edgbaston, B15 2TT,
or sent as an email attachment to student-complaints@contacts.bham.ac.uk

Section A - Student Details

Title:…… **Forename(s)**:……

Surname:……

Address (for response):……..

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……**Post Code**:……

Department:……..

Programme of Study:……...

Year of Study:…….. **ID/Registration Number**:……

Tel No: …….. **Mobile No**: ……..

Email: ……..

Section B – Details of Complaint

(Please try to set out clearly what you are complaining about and why)

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Continue on a separate sheet if you need to. Please number the pages clearly

Section C – Redress

(Please state clearly what redress you are seeking, eg an apology, return of overpaid fees)

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Section D

Before a complaint can be raised formally, it must have been raised informally at local level with one or more of the following (see paragraphs 17 to 24 of the Student Complaints Procedure).

Staff Student Liaison Committee ☐
Personal Tutor ☐
Department/School Welfare Tutor ☐
Programme Director ☐

Head of Department ☐
Head of School ☐

Corporate Service Manager ☐
Head of Corporate Service ☐
Other ☐

Please tick the relevant box(es) and give further details below about the particular person you have raised the complaint with:

(1) Name:……
Post Title:……..
School/Department/Corporate Service:……...
……Date Raised:……...

(2) Name:……
Post Title:……..
School/Department/Corporate Service:……...
……Date Raised:……

(3) Name:……
Post Title:……..
School/Department/Corporate Service:……...
……Date Raised:……...

(4) Name:……
Post Title:……..
School/Department/Corporate Service:……...
……Date Raised:……

Please describe the outcome so far, indicating why you are still dissatisfied:

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Your signature:……..……**Today's date**:……..

For university use	Reference No:……..
Date received:……	Ack sent:……

h:psshare/studentcomplaints/2006guidance/complaints form (paper).doc