UNIVERSITY OF BIRMINGHAM

Student Complaints Procedure
2008/09

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(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 Holidays and University Closed Days).

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 Director of Academic Services reports annually to the University Executive Board (or equivalent grouping of Vice-Chancellor and Pro-Vice-Chancellor, senior officers, etc.) 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.

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

Scope of the Procedure

11 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.

12 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(s). The letter confirming the outcome of a complaint will be sent only to the complainant.

13 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.

14 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.

15 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 (*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.

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

17 The Student Complaints Procedure cannot be used to challenge the professional academic judgment of examiners on the performance of students.

18 If, upon receipt of a complaint, it is felt that the issues raised fall into one of the categories listed in paragraphs 14 to 17 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.

19 Where a complaint concerns collaborative provision (e.g. 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, subject to the formal agreement concerning the collaborative provision.

20 Where a complaint concerns issues of equality (such as disability, gender, age, sexuality, ethnicity or religion), complainants may wish to seek advice from the University's Equality and Diversity Adviser (Students).

Stages

21 The procedure is divided into four stages:

Informal

- Attempt to resolve complaint at local level (paragraphs 20 to 29);

Formal

- Mediation (paragraphs 30 to 38)
- Complaints Review Panel (paragraphs 41 to 44)
- Office of the Independent Adjudicator (OIA) (paragraphs 45 - 47).

Informal Complaints: Attempt to resolve the complaint at local level

22 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.

23 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.

24 If this is not possible the student may raise the complaint in writing (which may be by email) to the Head of School or the Head of the relevant Corporate Service within one month of the date of the initial response. The Head of 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.

25 The Head of 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 School/Corporate Service may proceed with their investigation in the absence of the student.

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

27 If all parties are agreeable, mediation may be attempted at the informal 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 in mediation. In any particular case the mediator may be assisted by a second mediator. Each party may also be invited to attend a pre-mediation meeting with the Student Complaints Officer and at least one trained mediator.

28 The Head of School/Corporate Service (or their nominee) will investigate the matter and provide a detailed written response to the Complainant(s), normally within 20 working days of the date of the receipt of the written complaint. A copy of this response will be sent to the Student Complaints Officer and the College Head of Quality Assurance and Enhancement for information. If the Head 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's Director of Education for information and action as appropriate.

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 maximum of £100.

29 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.

30 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.

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

Formal Complaints

32 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 School/Corporate Service at the informal stage.

33 Copies of the complaints form are available on the web at http://www.ppd.bham.ac.uk/policy/cop/complaint.htm, and from Schools or from the ARC. When completed it should be sent to the Student Complaints Officer 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 clearly stated.

34 Complaints will be acknowledged by the Student Complaints Officer 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 School/Corporate Service must provide to the Student Complaints Officer a report of the facts surrounding the complaint, and a copy of any related documents not already supplied by the Complainant.

35 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.

Mediation

36 Where it is not possible for the Student Complaints Officer 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 in mediation. In any particular case the mediator may be assisted or supported by a second mediator. Each party may also be invited to attend a pre-mediation meeting with the Student Complaints Officer and at least one trained mediator.

37 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 that is satisfactory to all parties. Supported by the Student Complaints Officer, the mediator will meet with 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 a friend. 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.

38 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.

39 If the complaint 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.

40 Members of staff from the College/School/Corporate Service will, in conjunction with the Student Complaints Officer, 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.

Complaints Review Panel

41 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 prescribed form (available on the web at http://www.as.bham.ac.uk/study/support/governance/complaints.shtml) within one month of the date of the statement of outstanding issues.

42 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 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.

43 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 information which the complainant wishes to add, in order 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.

44 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.

Office of the Independent Adjudicator (OIA)

45 The Complaints Review Panel 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 complaints are not upheld a Completion of Procedures Letter will be issued by the Director of Academic Services and sent to the complainant, together with a letter informing the complainant of the outcome of the complaint. The Completion of Procedures Letter will be required by the OIA as proof that the University's internal procedures have been exhausted.

46 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

47 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.

The Procedure was approved and adopted by Senate on 21 June 2006 and by Council on 4 July 2006. This updated version was approved by the Academic Policy and Regulations Committee on 24 October 2008, to take effect on 1 January 2009.