UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON

STUDENT CONCERNS AND COMPLAINTS

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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 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 Code of Practice, but it is through the Code of Practice 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. Students who raise concerns or complaints through this Code of Practice may do so without fear of recrimination.

1.3 The Code of Practice applies to all Registered Students of the University, Students on a Leave of Absence, External Resit Students, Thesis Awaited Students and Graduands). However, it can be used by former students[1] 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 Code of Practice 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. This can includeconcerns relating to the professional conduct of a member of the University's staff and/or in the case of an allegation of bullying or harassment against a member of staff.
- Actions by other students of the University. This can include concerns relating to the conduct of other students and/or in the case of an allegation of bullying or harassment against a student.

1.5 Further information about the operation and scope of the Code of Practice is set out in Appendices 1, 2 and 3. Appendix 4 explains the University's process for monitoring student concerns and complaints, and sources of advice and support for students are detailed in Appendix 5.

1.6 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 Appendix 5.

2 Stages of the Code of Practice

[1] For the purposes of this Code of Practice, the term 'student' therefore applies to both current and former students of the University.

2.1 The Code of Practice on Student Concerns and Complaints is divided into two main stages which **must be followed sequentially**: the informal stage and the formal stage, as follows:

Stage 1) Raising a Concern

- If, after initial consideration of a concern by a relevant member of staff (paragraphs 3.1 – 3.2), a student can request a review by the Head of School/Corporate Service or Student Conduct (paragraphs 3.3 – 3.7).

Stage 2) Senate Review Panel

- If, after the review of the concern by the Head of School/Corporate Service or Student Conduct, a student can request further intervention (paragraphs 4.3 – 4.6) and potentially a hearing by a Review Panel, (paragraphs 4.7 – 4.12).

2.2 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.

3 Raising a Concern – informal stage

3.1 The informal stage of the Code of Practice is designed to provide students with an opportunity to resolve concerns informally within the relevant School/ Department and/or Corporate Service. Further information about matters which are eligible for consideration under the Code of Practice 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 should first 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/her 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/her concerns by an appropriate member of staff, the student should raise his/her concerns in writing using the Review Form and send the completed form to Academic Policy & Standards 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 Review Form are available on the web and from Schools or from the ARC.

3.5 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/her concerns in writing using the form, it is likely that the investigation process will be more lengthy.

3.6 The following paragraphs provide guidance on how the concern may be investigated.

3.7 The Head of School/Corporate Service and/or Student Conduct (or nominee), hereinafter called the Investigating Officer (IO), will carry out an investigation in order to try to resolve the student's concerns themselves. The IO should arrange a meeting with the student to discuss the issues in detail. The case handler (or nominee) can host these meetings if that is thought appropriate.

3.8 The student is entitled to be accompanied at any such meeting by a 'Friend', as defined in Section 1 of the University Regulations.[2] 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 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 IO may proceed with their investigation in the absence of the student.

3.9 If all parties are agreeable, mediation may be attempted at the informal stage as well as at the formal stage of the Code of Practice. See Appendix 3 for more information on mediation. If mediation is attempted at the informal stage, it will not normally be repeated at the formal stage unless the parties consider that it would be advantageous.

3.10 The IO 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 Review Form. If it is not possible to adhere to this deadline, the IO 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/Corporate Service
- 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 IO wishes to offer an alternative form of redress, s/he should discuss this with the case handler (or nominee).

Complaints against staff

For cases relating to staff conduct or allegations of bullying and harassment against a member of staff, the IO may determine on the following outcomes:

- 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
- That the student's concerns relating to the professional conduct of the staff member or the allegations of bullying and harassment against a member of staff are unfounded.

[2] The term 'Friend' is defined in the University Regulations, Section 1 at https://intranet.birmingham.ac.uk/as/registry/legislation/regulations.aspx. 'Friend' means a member of the academic staff of the University or a registered student of the University or a sabbatical officer of the Guild of Students.

Complaints against other students

Cases relating to student conduct or allegations of bulling and harassment against another student will be referred to Student Conduct which may determine on the following outcomes:

- That the student disciplinary procedure be initiated, in accordance with Regulation 8.
- That the student's concerns relating to the conduct of another student are unfounded.

3.11 The case handler has the authority to ensure that the matter is being processed appropriately.

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

4 Senate Review Panel – formal stage

4.1 If the complaint remains unresolved following the IO response, the Complainant may request that the case be referred to a Senate Review Panel. The request must be made in writing on the Senate Review Panel Form within one month of the date of the response from the IO. **Students are strongly recommended to consult the ARC before submitting a formal complaint.**

4.2 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 IO 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 Senate Review Panel 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 Senate Review Panel Form, it is likely that the process will be affected. When completed, the Senate Review Panel Form should be sent to the case handler (or nominee) in Registry.

Alternative means of resolving the complaint

4.3 Before proceeding to the Formal Stage, the case handler will consider whether any alternative means of resolving the complaint are appropriate.

4.4 In some cases, the case handler (or nominee) may attempt to resolve the difficulty, in cooperation with University colleagues. The case handler's role is to identify where possible solutions or clarifications could be offered in order to resolve the complaint.

4.5 The case handler (or nominee) may refer the complaint directly to mediation. See Appendix 3 for more detail on mediation.

4.6 Alternatively, the case handler (or nominee) may consider whether any other means of facilitating a resolution may be appropriate.

4.7 Where a resolution, mediation or another means of facilitating a resolution is proposed in writing to the Complainant by the case handler (or nominee), the Complainant must indicate in writing within one month whether s/he is prepared to accept the proposals.

4.8 If the Complainant does not accept any proposal made at this stage or the case handler does not feel that alternative means of resolving the complaint are possible, the complaint will be referred to the Senate Review Panel.

The Senate Review Panel

4.9 The Senate Review Panel will be chaired by the Pro-Vice-Chancellor (normally PVC Education) or his/her deputy. The Chair will appoint two further members according to the nature of the complaint. Each Senate Review Panel shall comprise no fewer than three (and no more than four) persons with provision for substitution where necessary – comprised of a Chair (mandatory), two staff members and a Registered Student. The case handler (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.

4.10 The Senate 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.

4.11 A copy of the Complainant's submission will be provided to the IO, who will have the opportunity to provide further clarification or comment using the prescribed 'Investigating Officer Response Form'. The completed form will be copied to the Complainant for information.

4.12 The role of the Senate 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 Code of Practice.

4.13 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 Code of Practice for re-investigation; or

(c) that an alternative resolution be proposed to the Complainant.

4.14 The outcome of the Senate Review Panel meeting will be communicated to the Complainant in writing, normally within five working days of the Panel meeting.

5 Next Steps for Students

Grievance to Council

5.1 The Senate Review Panel completes the internal procedures of the Code of Practice on Student Concerns and Complaints. 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.

Office of the Independent Adjudicator (OIA)

5.2 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.

5.3 A Completion of Procedures letter will be issued by the University and sent to the Complainant automatically following completion of the grievance procedure. Following a Senate Review Panel, if the Complainant is unable to submit a grievance to Council because the complaint does not meet the necessary criteria, the Complainant may ask the University to provide a Completion of Procedures letter. The letter notifying the Complainant of the outcome of the Senate Review Panel will inform the student that a Completion of Procedures letter should be requested within one month of the date of that letter.

5.4 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.

Appendix 1: Operation of the Code of the Practice

A1.1 As noted, students who raise concerns or formal complaints through this Code of Practice may do so without fear of recrimination. Where, however, a student's concern/complaint is considered to be unreasonable, or a student's behaviour is considered to be unacceptable, action may be taken as set out below. In appropriate cases, disciplinary action may be taken against the student.

A1.2 The Code of Practice will be applied equally to students irrespective of their Protected Characteristics.

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, key individuals referred to in the complaint will be informed of the complaint and outcome.

A1.4 Every effort will be made to adhere to the time limits set out in this Code of Practice. 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 Code of Practice '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 Code of Practice on Student Concerns and Complaints should complement the rights of students as established in University legislation. The operation of the Code of Practice will be kept under review and any necessary changes made in the light of experience.

<u>Unreasonable concerns/complaints and unacceptable behaviour</u>

A1.7 The University understands that raising a concern or formal complaint can be stressful for students. For this reason, sources of advice and support for students are detailed in Appendix 5 of this Code of Practice. However, the University does not expect Staff dealing with concerns/complaints to address unreasonable issues or to tolerate behaviour which it considers to be unacceptable.

A1.8 Concerns or complaints which the University considers to be unreasonable may include:

- concerns/complaints which are malicious and/or obsessive and/or excessively prolific and/or repetitious;
- concerns/complaints which do not clearly identify the precise issues which the student wishes to be investigated.

A1.9 Behaviour which the University considers to be unacceptable may include:

- communication which is offensive, aggressive, intimidating, defamatory or harassing;
- communication which is excessively persistent or demanding;
- unreasonable refusal to co-operate with the requirements of the Code of Practice on Student Concerns and Complaints;

- adoption of a 'scattergun' approach, for instance, raising the same concern/complaint with multiple members staff;
- covert recording of meetings and conversations.

A1.10 The initial decision as to whether a concern/complaint is unreasonable and/or whether a student's behaviour is unacceptable will be taken by the Director of Registry (or nominee), in consultation with and other relevant colleagues.

A1.11 If it is determined that a concern/complaint is unreasonable, or that the nature of the communication within a complaint submission is unacceptable, the case handler will write to the student explaining why that initial decision has been taken and asking the student to revise and resubmit the concern/complaint by a specified deadline. If the student does not do so, or if the Director of Registry (or nominee) consider that the resubmitted document continues to be unreasonable or that the nature of the communication continues to be unacceptable, the case handler will write to the student explaining that the University is terminating consideration of the concern/complaint. This decision will not be taken lightly.

A1.12 If it is determined that a student's behaviour is unacceptable, the case handler (or nominee) will write to the student explaining why that initial decision has been taken and asking the student to alter his/her behaviour. Where a student continues to behave in an unacceptable manner despite a written request to alter his/her behaviour, the Director of Registry (or nominee) may decide to terminate or restrict for a specified period of time contact between the student and members of Staff dealing with the concern/complaint. This decision will not be taken lightly. The student will be advised in writing of the decision by the case handler (or nominee) and when the University will review the decision.

A1.13 The period of termination or restriction of contact will only be extended if there are good reasons for doing so. The University may be unable to continue with its consideration of the concern/complaint while the termination or restriction of contact is in operation. In appropriate cases, the University may also take disciplinary action against the student.

A1.14 If the student wishes to appeal against the decision to terminate consideration of the concern/complaint and/or the decision to terminate or restrict contact as described above, he/she may do so by writing to the case handler. The case handler will arrange for the student's appeal to be considered by the Director of Academic Services (or nominee), who will consult with the Pro-Vice-Chancellor (normally Education) (or his/her deputy) and a Sabbatical Officer of the Guild of Students. If the Director of Academic Services confirms the decision, the student will be advised in writing that he/she may request a Completion of Procedures letter in order to complain to the OIA.

A1.15 A decision to terminate the University's consideration of the concern/complaint does not prevent the student from raising a new and different concern/complaint about other matters, but further concerns/complaints about the same matter will not be considered. New and different concerns/complaints from students whose behaviour has previously been deemed unreasonable or unacceptable will be treated on their merits. Restrictions imposed in respect of an earlier concern/complaint will not automatically apply to a new matter.

Appendix 2: Scope of the Code of Practice

A2.1 No concerns or complaints from third parties will be dealt with under this Code of Practice. 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 Code of Practice.

A2.3 The Code of Practice on Student Concerns and Complaints cannot be used to challenge the professional academic judgment of examiners on the performance of students.

A2.4 The Code of Practice 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.

- Appeals against academic assessment and progress decisions *(Appeals Team within Academic Policy & Standards)*;
- Review of admissions decisions (*College Admissions Tutor and/or; Director of Admissions*);
- Appeals against disciplinary or other penalties *(Student Conduct)*;
- 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 above, the student will be advised how to proceed by the case handler (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 case handler (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 Code of Practice. 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.

Appendix 3: Mediation

A3.1 Where it is not possible for the case handler (or nominee) to resolve the complaint, it will normally be referred for 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.

A3.2 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.

Pre-mediation

A3.3 Each party will liaise with a trained mediator in order to determine whether the case is suitable for mediation.

A3.4 Each party will be asked to provide a short statement which sets out the party's aims and objectives for the mediation session.

Mediation

A3.5 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 IO together. The Complainant is entitled to be accompanied at any such meeting by a 'Friend', as defined previously.

Outcome of Mediation

A3.6 If the complaint is resolved, the mediator will 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 case handler (or nominee).

A3.7 If the complaint remains unresolved, the mediator will discuss the reasons with the Complainant and IO (or nominee) and prepare a statement on the outstanding issues, agreed by both parties.

A3.8 The mediation process is confidential, although an anonymous report may be forwarded by the mediator to Academic Policy & Standards 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 case handler (or nominee).

Appendix 4: Monitoring and Oversight of Concerns and Formal Complaints

A4.1 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.

A4.2 The Counselling and Guidance Service is also available to provide support for students during this process.

A4.3 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/Student Conduct (or nominee) are followed up locally as appropriate.

A4.4 Members of staff from the College/School/Corporate Service will, in conjunction with the case handler (or nominee) carry out periodic reviews of the processes followed and judgements made at the informal stage of the Code of Practice to ensure that good practice is being maintained.

A4.5 Formal complaint submissions and outcomes will be copied to the Head of College for information.

A4.6 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.

A4.7 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 5: Advice and Support for Students

A5.1 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. The ARC can be contacted at thearc@guild.bham.ac.uk, on 0121 251 2400 or by visiting the ARC office in person.

A5.2 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 previously. Both the ARC and the Guild's elected representatives are there specifically to help students.

A5.3 The Counselling and Guidance Service is also available to provide support for students during this process.

A5.4 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.

A5.5 Other support mechanisms available within the University include the Student Representation System; personal and/or welfare tutors within Schools system. Further information is available.