



Student Complaints Policy

Birmingham City University International College CPR QS10a: Student Complaints Version 2020/01

1. Introduction

BCUIC is committed to providing a high-quality service to its students and to monitoring regularly the effectiveness of its services. Feedback on these services is always welcome. A number of opportunities are available to provide feedback to the College on any aspect of the service delivered. They include formal committees, student surveys, student representative meetings and focus groups.

The Student Complaints procedure has been designed to allow students who are enrolled at a Navitas College* to seek redress for any disadvantage, damage or distress caused by inappropriate acts, behaviour or omissions of a UPE Navitas College or European Head Office or its representatives.

Former students may raise a complaint provided the complaint is about a matter which occurred whilst they were enrolled as a student and they comply with the timescales for the submission of complaints set out below.

The complaints procedure for students is one aspect of the College's quality assurance procedures; complaints are therefore considered as useful feedback and, where appropriate, will be used to facilitate improvements to services and facilities. This will be achieved through reporting to the Academic Board and NUKH Board of Directors, where appropriate, the College Progression Board, to ensure that outcomes and recommendations from the formal procedure are actioned.

*Please interpret 'College' as 'Campus' or 'Centre where applicable

2. Definition of a Student Complaint

A complaint is defined by the Office for the Independent Adjudicator of Higher Education (OIAHE), as "an expression of dissatisfaction by one or more students about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider." It can be brought by one or more students against one or more individuals working for a Navitas UPE College or European Head Office in the UK.

2.1 Examples of complaints include

- Failure by BCUIC to meet obligations including those outlined in learning contracts, course/student handbooks or the Student Charter
- Misleading or incorrect information in publicity or promotional material and other information provided by BCUIC
- Concerns about the delivery of a programme, teaching or administration provided by BCUIC
- Poor quality of facilities, learning resources or services provided directly by BCUIC
- Complaints involving other organisations or contractors providing a service on behalf of the provider.
- Some Partner Universities may allow students to make a complaint relating to the academic provision of a Navitas-run programme directly to them. In such cases Navitas will facilitate the process where possible.

This list is not intended to be exhaustive and, where appropriate, other matters will be considered under the Complaints Procedure

2.2 Exclusions

The following concerns/complaints cannot be made under the Complaints Procedure:

- Complaints raised anonymously will not be considered under this procedure (but see 3.2 below).
- Decisions which amount to “academic judgement” including any decision that is made by an Academic Committee or Board of Examiners. These are covered by the regulations for **Academic Appeals** (See CPR QS10b).
- Decisions made in relation to mitigating circumstances. These are covered by the regulations for the consideration of mitigating circumstances.
- Complaints about issues over which BCUIC has no control.
- Complaints submitted more than two months after the act or omission being complained about are not normally admissible.
- BCUIC will investigate all complaints as fully as possible. Therefore students are not allowed to submit a subsequent Complaint if the content is substantially similar to one already considered.
- Complaints which are covered by other procedures.

3. Protocol

3.1 Behaviour

All parties involved in a complaint are required to act reasonably, fairly and courteously towards each other and to respect the BCUIIC procedures. In addition, any student who wishes to raise a legitimate complaint should feel able to do so without fear of subsequent victimisation.

3.2 Anonymity

Where a complaint is made anonymously, normally no action will be taken. There may, however, be exceptional circumstances where the Complaints Investigator deems it appropriate to take action or investigate a matter on the basis of a complaint that is made anonymously.

3.3 Third Party Complaints

No investigation of a complaint made on behalf of a student will be undertaken without that student's written agreement to the concerns raised, and written consent for an investigation to be carried out. This includes complaints made by the parent or spouse of the student concerned.

3.4 Vexatious or Malicious Complaints

A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the complaints procedure or, for example, to attempt to defame the name or character of another person. The College may consider invoking disciplinary procedures in cases where complaints are found to be vexatious or malicious. All such scenarios must be reported to the Navitas UPE Academic Registry.

3.5 Complaints made by students under the age of 18 years

If a complaint is made under the Formal Procedure by a student who is under the age of 18, unless it is the student's express wish that this should not be done, the Investigating Officer will notify the parents or guardians of the student in writing, and keep them informed of the progress of the complaint – generally via email or telephone. BCUIIC will permit the parents or legal guardians of the student to act on the student's behalf during the process, provided the student has confirmed agreement in writing beforehand (see CPR M1).

3.6 Group complaints

Where a complaint is brought by a group of students, one person should be prepared to identify him/herself as spokesperson and correspondent for the purposes of the Formal Procedure, and each member of the group must be able to demonstrate that he/she has been personally affected by the matter which is the subject of the

complaint. In addition, all complainants must agree in writing to the spokesperson acting on his/her behalf.

3.7 Access to Information

Students pursuing a complaint through the procedure will be entitled to apply for access to personal data in accordance with the policies and procedures of the University under the provisions of the **The General Data Protection Regulation (GDPR)** (EU) 2016/679. Applications should be made in writing to the Navitas UPE Academic Registry (UPE.AcademicRegistry@Navitas.Com).

3.8 Sharing of Information

We will only share information about your complaint or appeal with other parties where disclosure is necessary in order to ensure a fair investigation, and subject to your written consent.

3.9 Accompaniment at the Complaint Hearing

The complainant, if he/she wishes, may be accompanied to any Complaint Hearing by a friend or representative for support or representation as appropriate. The friend or representative shall be permitted to put forward the student's case under the direction of the Chair of the Hearing, and shall be permitted to ask questions of the College representative. In the event that the complainant is unable to attend, the Hearing will be rescheduled. This person may not be a lawyer acting in a professional capacity and may not give evidence except on matters of which they have direct knowledge.

3.10 Time Limits

Time limits should usually be met by all parties. Time limits may be extended by the Investigating Officer where it is necessary to do so in order to ensure a fair outcome.

4. Procedure for Making a Complaint

4.1 Definitions and Advice

The Academic Registry can provide authoritative advice on how the complaints process works, who to approach and how to complete the form and submit supporting evidence. Students may also wish to seek advice and help from their Student Representative or Student Union officer.

The regulations make a clear distinction between a “Concern” and a “Complaint”.

A Concern (Informal) is “an opportunity for a student to bring a matter that they are unhappy about to the attention of BCUIC”.

A Complaint (Formal) is “a formal statement by a student to which BCUIC must respond and which the student has the right to pursue if they are not satisfied with that response.”

Any issue raised with any member of staff at a Navitas College or Head office, either orally in writing, will be treated as a **Concern**. If a Complaints and Appeals Form is submitted it will be considered as a **Complaint**.

4.2 Procedure to Deal with a Concern (Informal)

It is anticipated that most complaints will be resolved through informal and local means. Students wishing to complain about a member of staff or any aspect of the College’s service should, in the first instance, review whether they have fulfilled their responsibilities under the particular CPR or service about which they are complaining.

Once a **Concern** has been received, resolution should be sought from the area in which the concern arose, by discussing the concern with the most appropriate member of staff (e.g. the academic tutor or their line manager) or the Student Services Officer. In those areas where a local procedure to deal with complaints exists, that procedure should be followed. A student should normally expect to receive a written or verbal acknowledgement of the complaint and the process to be undertaken within 10 working days and a full response within one calendar month. This timescale may need to be extended during College vacations.

4.3 Procedures to Deal with a Formal Complaint- Stage 1

If the response to the Concern under the informal procedure is considered by the student to be unsatisfactory, she/he may invoke Stage 1 of the Formal Procedure by completing the Student Appeals and Complaints Form (Form QS10), and submitting it to the Academic Registry.

The Student Appeals and Complaints form (**Form QS10**) should include this information:

- The grounds upon which the formal complaint is being made and reasons why it was not resolved informally
- Facts and evidence to support the complaint
- The remedy which the student is seeking

The Academic Registry will appoint an Investigating Officer to investigate the complaint. The Investigating Officer shall acknowledge receipt of the Complaint, normally within 5 working days. Before proceeding further, the Investigating Officer may require further clarification of the complaint.

The form should detail the aspect of the CPR or service which the student believes has not been fulfilled and why this is the case, or other serious grounds for complaint, together with a statement of what has been done by the student to attempt resolution with the person/s involved, and why action taken by the College or Head Office following notification of the complaint has been inadequate. The form of resolution or redress sought should also be clearly indicated.

The Investigating Officer will attempt resolution at this stage either by correspondence between the parties, negotiation with the individuals or issue about which the complaint is being made and, where appropriate, other senior members of the College, or facilitation of a conciliation meeting between the student concerned and those individuals involved. The circumstances of the complaint will dictate which of these methods is considered most likely to result in a resolution of the complaint to the satisfaction of the student.

It is anticipated that Stage 1 of the Formal Procedure would normally be completed, with a response in writing from the Academic Registry, within **one calendar month** of the receipt date of the completed Complaint Form. This timescale may need to be extended during College vacations.

4.4 Stage 2- Appeal

If the complainant is not satisfied with the response from the Investigating Officer, or if a response is not received within the procedure's timescales, they may request that their complaint is considered at Stage 2 (Appeal). To do this the complainant must write to the Academic Registry within 10 working days from the Stage 1 response letter or the deadline for the Stage 1 response, if a response has not been received. The request must clearly state:

- (a) that the student would like to appeal the decision that was taken in Stage 1;
- (b) the reasons why the student believes that the response is unsatisfactory;
- (c) the remedy the student is seeking;

Taking into account the substance of the complaint and the previous attempts at resolution, the case will then be reviewed by the Academic Registry where a decision will be made about whether the matter should be referred to a Complaint Hearing.

Should a Complaint Hearing be appropriate, a panel chaired by the Dean of Academic Operations (Navitas UPE) or nominee, and consisting of two members of academic or support staff drawn from another Navitas UPE College, will be convened. The Director of Learning, Teaching and Academic Quality Navitas UPE or the HR Support Manager Navitas UPE will act as technical adviser to the Panel.

If the complaint relates to the actions of an individual member of staff, rather than an academic or service department/area, that individual has the right to be informed of the substance of the complaint and to attend the Complaint Hearing and be represented.

The Complaint Hearing will meet normally within **one calendar month** (excluding College vacations) of the referral from Part I, and communicate its conclusions to the student and the relevant persons within one calendar month. The Chair will keep all parties informed of progress and will explain reasons for any necessary extension of the timescale, for example, if an adjournment in the proceedings is necessary.

Should a complaint be upheld, the Chair of the Complaint Hearing may make recommendations/conditions to the College Management and/or Navitas Senior Management. Recommendations/conditions may also be made to the College Module Panel or Progression Board in respect of quality assurance procedures or policies.

If a complaint is not upheld, the complainant will be informed in writing with reasons for its rejection.

Any conclusions and recommendations of the Panel will be communicated in writing to the complainant, the College Director/Principal and the Academic Registry. A report on each case which comes before a Complaint Hearing will also be prepared and noted by the Academic Registry.

5 Further Review (OIAHE)

If a student has completed the BCUIIC internal complaints procedure outlined above and they are still dissatisfied with the outcome, they may be able to refer their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) providing that the complaint is eligible under the OIA's Rules (see section 7 below).

In such cases Navitas Academic Registry will provide on request a letter stating that a complainant has completed the BCUIIC internal complaints procedure. The letter will include information on the OIA and will comply with the OIA's guidance for a "Completion of Procedures" letter.

6 Timescales

Stage of Procedure	Timescale	Responsibility
INFORMAL		
Concern raised (Informal Complaint)	Anytime	Student (s)
Acknowledgement of Receipt of Informal Concern	Within two working days of receipt of concern	College Representative
Written response to Concern	Within one calendar month	College Representative
FORMAL		
Submission of Student Complaints and Appeals Form QS10	Within two months of the incident or receipt of Written Response to Concern	Student (s)
Acknowledgment of Receipt of Complaints and Student Complaints and Appeals Form QS10	Within five working days of submission of form	Navitas Academic Registry
Level 1 Response	Within one calendar month of the receipt of the Complaint or Appeals form	Investigating Officer
Request to progress to Level 2	Within ten working days from the Stage 1 response letter or the deadline for the Stage 1 response, if a response has not been received	Student (s)

Response to Level 2 Request- Appeal	Within five working days of receipt of request	Navitas Academic Registry
Response to Level 2 - Appeal	Within one calendar month of referral to Level 2	Dean of Academic Operations UPE or nominee

7. Reference Points

This policy is guided by the OIAHE The good practice framework: handling student complaints and academic appeals and delivering learning opportunities with others.

For further information:

<http://www.oiahe.org.uk/media/96361/oia-good-practice-framework.pdf>

<http://www.oiahe.org.uk/media/114634/oia-gpf-delivering-learning-opportunities-with-others.pdf>

8. Policy Review

This policy will be reviewed annually by BCUIC Academic Board, unless there are internal or legislative changes that necessitate earlier review.

The Policy was last reviewed on 12 February 2020 by the UPE Academic Board.