

# Student Complaints Policy and Procedure

## Introduction

1. Birkbeck College is committed to giving to you the best student experience possible. However, there may be times when you feel that you have not received the high quality of education or level of service which might reasonably be expected. If an incident has occurred which has affected your experience please let us know in writing within six weeks of the incident happening so that we have the chance to put things right and enable you to carry on concentrating on your studies.
2. The College welcomes the views of its students. A student may provide feedback which will be useful to a school or service when reviewing its policies and operations, without using the Complaints procedure. Students are encouraged to provide feedback locally to the relevant school or service provider in a prompt and constructive manner.

## Definition of complaint and scope of these procedures

3. A complaint is defined as a written expression of dissatisfaction by one or more students about the College's action or lack of action, or about the standard of service provided by or on behalf of the College. You can expect the College to deal with a complaint seriously, fairly, within a reasonable timescale and, where appropriate, in confidence.
4. The Student Complaints Policy and Procedure does not cover the following:
  - Requests for new or different services or facilities
  - Matters where there are separate policies or procedures, i.e. Academic Appeal. If you are unsure which process applies to your circumstances, you may seek advice (see advice and guidance for students section below for further information)
  - Matters of academic judgement (the considered view of an appropriately qualified and experienced subject specialist on your academic performance. This could relate to: learning outcomes, the award of marks for an assessment, fitness to practise and/or research methodology)<sup>1</sup>
  - Appeals against the decision not to offer a place to an applicant, including matters of judgement about an applicant's suitability to study a programme;

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<sup>1</sup> This position corresponds in principle to that adopted by the Office of the Independent Adjudicator for Higher Education (OIA) with regard to its reviews of student complaints (OIA Rule 3.2). In the view of the OIA, 'academic judgment is not any judgment made by an academic; it is a judgment made about a matter where only the opinion of an academic will suffice'.

applicants can only appeal on the grounds of a potential irregularity in the implementation of the College Admissions Policy

5. It is important that, prior to engaging with the Complaints Policy and Procedures, you have a clear understanding of what the procedure is, what it involves and the outcomes it can and cannot deliver.
6. You will not be treated less favourably by any member of staff if you bring a complaint under this procedure, whether successfully or otherwise, than if you had not brought a complaint.
7. If a complaint is considered to be vexatious or frivolous then the complaint will be referred to the Academic Registrar or nominee for review and a response to the student or students concerned. A Completion of Procedures letter will be sent to the complainant within 28 calendar days of the Academic Registrar or nominee making a decision. In addition, if the language used in the complaint is in breach of the Student Discipline Policy, disciplinary proceedings may be brought against the complainant. A frivolous or vexatious complaint can be characterised in a number of ways including, but not limited to, the following:
  - Complaints which are obsessive, persistent, harassing, prolific, repetitious;
  - Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
  - Insistence upon pursuing meritorious complaints in an unreasonable manner;
  - Complaints which are designed to cause disruption or annoyance;
  - Demands for redress which lack any serious purpose or value.
8. Where an incident does not clearly fall under any one policy, for example a case relating to both an appeal and a complaint which will need to be dealt with via two or more separate procedures, the College will inform you which issue is being dealt with under which procedure and in which order they will be addressed or if they will be pursued concurrently. In the event that a formal concern about the conduct of another student is the subject of your complaint (for example bullying, harassment and discrimination) then the matter may be referred for investigation under the [Student Discipline Policy](#).
9. Related Policies, Procedures and Principles:
  - Common Awards Scheme
  - Dignity at Work and Study Principles
  - Student Discipline Policy
  - Appeals Policy and Procedure (taught)
  - Appeals Policy and Procedure (research)
  - Admissions Policy
  - Termination of a Student's Registration Policy and Procedure
  - Fitness to Study Policy

## Advice and guidance for students

10. Students may wish to consult with the following sources of advice when considering their complaint:

### Documents:

- [Quick Guide to Student Complaints](#)

### Contacts:

- your personal tutor or programme director;
- the Students' Union (via [advice@bcsu.bbk.ac.uk](mailto:advice@bcsu.bbk.ac.uk)) or a Students' Union elected officer;
- Wellbeing Service - includes disability support, counselling and mental health advice and support (initial queries can be directed to the well-being administrators, who will help put students in touch with the relevant service (Telephone 020 7631 6316, email [disability@bbk.ac.uk](mailto:disability@bbk.ac.uk));
- A Dignity at Work and Study contact (details of which are available at: [http://www.bbk.ac.uk/hr/policies\\_services/Dignity\\_at\\_work\\_and\\_study/contacts](http://www.bbk.ac.uk/hr/policies_services/Dignity_at_work_and_study/contacts));
- Dean of College – who can provide confidential and impartial advice for students relating to their welfare in the College (via [collegedean@bbk.ac.uk](mailto:collegedean@bbk.ac.uk));
- Academic Standards and Quality – The ASQ team can provide information and guidance on the appeals procedure, email [studentcomplaints@bbk.ac.uk](mailto:studentcomplaints@bbk.ac.uk)

## Who can complain?

11. This Policy and Procedure applies to the following groups of students:
  - Current students;
  - Students who withdrew from/finished their studies no more than 3 months ago;
  - Applicants (see *Complaints by Applicants* section below);
12. If a group of students wishes to make the same complaint, the College will require one student to be nominated as a point of contact for all.
13. Anyone wishing to make a complaint is strongly encouraged to do so personally. Complaints from staff on behalf of students and complaints from members of the public are not eligible under this policy. A complaint received from a third party (including a parent) will be considered only with the express written permission of the person to whom the complaint relates giving the named third party power to act on their behalf; this permission must be supplied within the six week period following the incident. Anonymous complaints will not be considered.

## Disability

14. If you have a disability and need additional support or a reasonable adjustment to the Complaints policy and procedure, you are advised either to contact the Academic Standards and Quality Team via [studentcomplaints@bbk.ac.uk](mailto:studentcomplaints@bbk.ac.uk) or the Disability Service to request support through this process. They will provide advice about how to support you effectively in the process of managing a complaint. The Disability Service can also advise the College if reasonable adjustments are required for the consideration of your complaint.
15. If you anticipate that it may be difficult to meet the deadlines expressed in this Policy because of an evidenced or declared disability or learning difficulty, you should inform the College, ideally before the relevant deadline elapses. Additional time may be granted for submissions that meet these grounds at the discretion of the Academic Registrar or nominee.

## Complaints by applicants

16. Complaints are accepted by applicants on the following grounds only:
  - a) a potential irregularity in the implementation of the College Admissions Policy
17. Applicants are not able to appeal against the decision not to offer a place to them, including where it involves matters of judgement about an applicant's suitability to study a programme. A one stage complaint process is in operation for complaints from applicants.
18. The applicant completes the [complaints form](#) and send it via email to [studentcomplaints@bbk.ac.uk](mailto:studentcomplaints@bbk.ac.uk) or send it in hard copy to Academic Standards and Quality (Registry Services)<sup>2</sup> by post.
19. Staff within the Academic Standards and Quality (ASQ) team will conduct an initial evaluation to check that the complaint is:
  - submitted under the correct procedures;
  - within the deadline;
  - in the required format.
20. The Head of Academic Services or nominee will review the complaint and reach a decision based on the available evidence. The outcome of this review will be communicated to the applicant within 28 calendar days of receipt of the complaint.

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<sup>2</sup> Academic Standards and Quality (Registry Services), Birkbeck College, Malet Street, London, WC1E 7HX

## Time Limits

21. We seek to deal with all complaints as swiftly as possible. Normally Stage 2 complaints will be resolved within 28 calendar days; if a complaint is particularly complex and goes through Stages 2 and 3, we would seek to resolve it within a maximum time period of 90 calendar days.
22. Our time limits for the completion of a complaint from submission to completion are provided as follows:

Stage	Timescale <sup>3</sup>
Early resolution	N/A
Submission of formal complaint	Start of Complaint (within 6 weeks of incident occurring)
Formal Stage	Up to 28 calendar days
Submission of request for review of original complaint	Within 14 calendar days
Review Stage	Normally within 28 days but up to 42 calendar days

23. Although the College aims to operate within the time limits as set out above we accept a degree of flexibility may be required in some cases. Any extension or alteration to the time limits requested by a student must be fully justified and the Head of Academic Services or nominee's decision whether to allow any changes will be final. All students should be aware that failure to meet the appropriate time limits without a reasonable explanation may result in a case being concluded without further consideration.
24. Birkbeck will make every reasonable effort to meet the time limits as stated in this Policy. Where they are not met, we will provide a justifiable explanation to you. It should be recognised, however, that to ensure a thorough review of a submission, it may, by exception, be necessary to take a case beyond the standard time limit. In such circumstances, you will be notified of this in writing.
25. You should also be aware that time limits relating to the processing of complaints submissions may be reasonably extended during College holiday periods when students themselves and/or appropriate staff may not be always available.
26. Students are expected to familiarise themselves with the key deadlines outlined in this Policy. Ignorance of these regulations does not excuse students from adherence to them.

## Confidentiality

27. Complaints will be dealt with in a confidential manner. Everyone involved in the procedures for investigating and managing complaints through college processes

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<sup>3</sup> Time limits will be automatically extended to take account of College closures and public holidays.

has a duty to maintain confidentiality. For a complaint to be investigated fully and action taken it will be necessary to disclose the complainant’s identity to the person or responsible party within the department/service which is the subject of the complaint and to others directly involved. Where something is disclosed that could have a safeguarding impact we reserve the right to liaise with appropriate professionals.

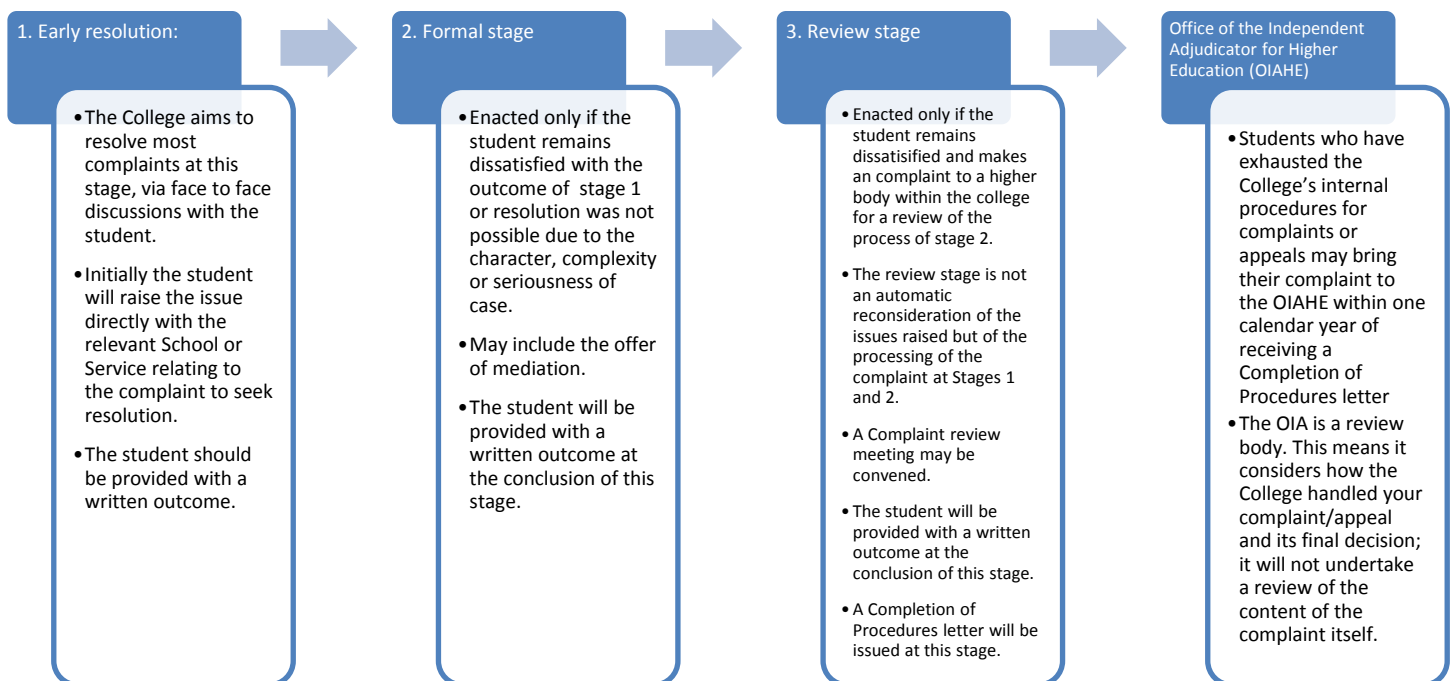
**Deadline**

28. You should submit a complaint as soon as possible and any delay in submitting a complaint will need to be fully explained and may be grounds for rejection. Complaints must be made in writing within 6 weeks of the incident occurring.

**Overview of the three stage Student Complaints Procedure**

29. The College’s internal student complaints procedure consists of up to three stages:

1. Early resolution. The College aims to resolve most complaints at this stage, via face to face discussion with the student – this normally will take place solely within the relevant School or Service;
2. Formal stage;
3. Review stage.



### **Stage 1. Early resolution**

30. You are encouraged to speak to a member of staff in your School or with the relevant Service before making an official complaint. This is the quickest and easiest way to resolve any issues. Staff will discuss with you the nature of your complaint and what you would like to see as an outcome and will seek to resolve the complaint themselves or liaise with the appropriate member(s) of staff to identify if it is possible to resolve your complaint prior to initiating the formal stages of the complaints procedure. They may decide bring in another independent member of staff to facilitate discussion or refer the case for resolution via mediation. You can seek support from the Students' Union advice centre manager in taking your complaint through early resolution (please see paragraph 9 for contact details).
31. Every effort will be made to resolve the matter at this stage and all parties should seek to find a mutually satisfactory resolution.

### **Stage 2. Formal stage**

32. The Formal stage is started when:
- You decline to engage with early resolution and initiate the formal process in line with this policy;
  - Early resolution was attempted but you remain dissatisfied and initiate the formal process in line with this policy;
  - The issues raised are complex and will require detailed investigation.
33. Students who decline to engage with early resolution may be asked to provide an explanation as to why they did not pursue this option. On receipt of a complaint which has not been through Stage 1 of the process, it will be referred to back to the relevant School or Service for consideration. The complaint will be considered for the formal stage only when the possibility of early resolution has been considered. This is the point at which the deadlines for the formal stage will commence.

### **How to submit a formal complaint?**

34. You complete the [complaints form](#) and send it via email to [studentcomplaints@bbk.ac.uk](mailto:studentcomplaints@bbk.ac.uk) or send it in hard copy to the Academic Standards and Quality (Registry) by post.<sup>4</sup>
35. Staff within the ASQ team will conduct an initial evaluation to check that the complaint is:
- submitted under the correct procedures;
  - within the deadline;
  - in the required format.

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<sup>4</sup> Academic Standards and Quality (Registry Services), Birkbeck College, Malet Street, London, WC1E 7HX



36. This will result in one of the following outcomes:

- as noted above, you may be referred to the relevant School or Service if early resolution has not previously been attempted; only on confirmation that early resolution is not appropriate or you decline to pursue this option will you be considered for referral to Stage 2;
- the complaint may be returned to the student for further clarification;
- should the student's expectations appear to go beyond what the College can reasonably provide, the student will be advised of this and of possible outcomes in writing as soon as possible;
- you may be referred to a different policy or procedure, e.g. the appeals policy;
- the complaint may be rejected, e.g. if received late without reason, or if case is not sufficiently substantiated;
- the complaint may be accepted for consideration at Stage 2.

37. You will receive confirmation of the outcome of the initial evaluation sent by ASQ staff along with details of the next steps within Stage 2 within 7 calendar days.

38. If your complaint is against the Academic Standards and Quality (Registry) unit or the Head of Academic Services or nominee, the complaint should be submitted directly to the Academic Registrar at [academicregistrar@bbk.ac.uk](mailto:academicregistrar@bbk.ac.uk). If your complaint is against the Academic Registrar or nominee, then your complaint will be considered by the College Secretary or equivalent. The complaint should be submitted to [studentcomplaints@bbk.ac.uk](mailto:studentcomplaints@bbk.ac.uk) and will be passed on to the College Secretary or equivalent.

### **Investigation**

39. If a complaint is accepted for consideration, ASQ staff will either:

- request a response from the relevant School or service; or
- refer the complaint on to an appropriate independent member of staff to conduct an investigation.

40. All complaints accepted for consideration will be considered in a manner which is reasonable, appropriate and proportionate to the nature of the complaint.

41. If a complaint accepted for consideration under the formal stage is directed against a member of staff, the Head of Human Resources Business Partnering may be informed and HR may apply any relevant HR policies and procedures in parallel to or following the complaint investigation. If a member of staff or a student is the subject of a complaint, then that person will be given the opportunity to make representations



at every stage of the formal complaint, and to attend and give evidence to any formal panel hearing.

### **Response from School or Service**

42. If a response is requested from the relevant School or service, staff within the ASQ team will ensure that the response is provided by an appropriately senior member of staff, in a timely manner and that the response addresses the issues raised in the complaint. Complaints can be resolved more swiftly through this route, which is why it may be preferable to an investigation.

### **Investigation Process**

43. If a complaint is put forward for investigation, it may take up to 14 calendar days to identify an investigator.

44. The complaint investigator will consider the complaint, which may involve talking to key staff and students involved, along with other documents and evidence including all evidence submitted by the complainant.

45. In order to ensure that the investigating member of staff and the student have a mutual understanding of the purpose and scope of the investigation, the investigator may meet with the complainant; this will be decided on a case by case basis.

46. The complaint investigator will produce a report outlining the process followed, the information gathered, the conclusions drawn, any recommendations and consideration as to if the complainant is amenable to mediation or conciliation at this stage. This report will be sent to ASQ normally within 14 calendar days of the complaint investigator being identified. The recommended decision from the investigator will be reviewed and agreed by the Head of Academic Services or nominee.

A formal response will be sent to you within 7 calendar days following receipt of the investigation report by ASQ; this will outline the decision taken and the reasons behind it. It will also advise you of how to proceed to Stage 3: Review stage if necessary.

### **Outcome**

47. The outcomes from Stage 2: Formal stage are as follows:

- Referral back for informal resolution;
- Referral for resolution via mediation;
- Conclusion of the matter, by offering a written resolution;
- Rejection of the complaint.

More complex cases may require longer time-scales; you will be advised of any delays in proceedings.

## Mediation

48. You may request that the complaint be taken to mediation at any point in the proceedings. The formal investigation will be put on hold whilst mediation is undertaken. Mediation will take the form of a relatively informal meeting, or series of meetings, involving the individuals concerned. The meeting(s) may be initially held with the parties separately, dependent upon the nature of the complaint. The mediation is conducted by a trained mediator appointed by the College and who is not connected with the complaint. The role of the mediator will be to help the parties in dispute to come to an agreement. The mediator will be independent and neutral to the dispute and will be there to facilitate the parties towards a mutually acceptable agreement. If the complaint is resolved through mediation, the mediator will assist the parties to draft a written agreement that will be signed by both parties as acceptance of its terms.

### Stage 3. Review stage

49. If you are not satisfied with the resolution offered to the complaint, you can ask for the complaint to be reviewed. Requests for review should be submitted to the Academic Registrar, either by emailing [studentcomplaints@bbk.ac.uk](mailto:studentcomplaints@bbk.ac.uk) or by sending it to the ASQ team by post, within 14 calendar days of notification of the outcome of the outcome from Stage 2.

### Grounds for review

50. The following are acceptable grounds for review:

- a) That there has been a clear failure of due process in consideration of the complaint, which the complainant can define and provide evidence;
- b) That the decision of Stage 2: Formal Stage was not reasonable and in accordance with the facts of the case;
- c) New material evidence which the complainant was unable to provide, for valid reasons, earlier in the process.

### Review

51. The Academic Registrar or nominee will consider the request for review within 14 calendar days of receiving it. If it does not meet criteria outlined above, it will be rejected and you will be issued with a completion of procedures letter.

52. If the request for review is allowable, the Academic Registrar or nominee may provide a written resolution to the complaint. A written resolution will mark the College's final outcome on the complaint. The student will be informed of this resolution within 14 calendar days of submitting the request for review. Alternatively, the Academic Registrar or nominee may ask for a member of staff uninvolved in the complaint at any previous stage and trained in the complaints procedure to review how the complaint has been dealt with and whether this has been fair and reasonable.

53. No new complaint or new element of the complaint may be introduced at this stage.

54. If a reviewer is appointed, they will consider all evidence presented to the Stage 2: Formal stage of the complaint as part of their investigations, and may convene a review meeting to which the student may be invited.

55. The outcomes from Stage 3: Review stage are as follows:

- Conclusion of the matter, by offering a written resolution;
- Referral for resolution via mediation;
- Convening of a panel to consider the complaint (within 21 calendar days);
- Rejection of the complaint.

56. The reviewer will inform you of the outcome of Stage 3 within 14 calendar days. A Completion of Procedures letter will be issued to you at this point indicating that the College has completed its investigation of your complaint, has provided its final decision on it and does not intend to take the matter any further.

### **Complaints Panel**

57. The Complaints Panel will comprise two senior members of the College and one representative of the student body. The Panel members chosen will have had no previous connection with the investigation of your complaint. The diversity of the Panel will be considered when the Panel is convened. The Panel will interview both you as the complainant, and any or all of the persons complained against, and will determine the College's final decision on the complaint.

58. The College Complaints Panel will consist of:

- i. One senior member of academic staff of the College, employed at Senior Lecturer or Reader level or above, as the Chair;
- ii. One other senior member of academic or administrative staff
- iii. A representative of the student body, nominated by the Executive Committee of Birkbeck College Students' Union.

59. Members of a College Complaints Panel will be independent of the School, programme or service that may directly concerned with the complaint. A member of the Academic Standards and Quality team will act as secretary to the Panel and will make and keep a record of the proceedings; the secretary is not formal member of the Panel.

60. You are entitled to be accompanied to the Panel by a Companion. The role of the Companion is to support you, the complainant, in putting your complaint to the College and during any Hearing. The Companion should be a member of the College

or a Students' Union representative. Companions normally shall not be professional legal representatives; the Panel normally will not be held if the complainant is legally represented. Companions should take care to ensure as far as is reasonable that their advice and conduct is at all times in the best interests of the complainant in the prosecution of their complaint.

61. You will be entitled to be present at the meeting of the Panel to give evidence and otherwise be heard and to have access to all relevant documents to be submitted to the Panel. You may, where appropriate and with the permission of the Chair, call witnesses. You are entitled to submit written evidence which will be considered by the Panel. The Panel will be authorised to consult and/or invite any member of the College who in the Panel's opinion may contribute evidence or information to clarify or resolve the matter of the complaint.
62. The order and conduct of business will be determined by the Panel. The complainant, subject of the complaint and any witness will be allowed to make a statement outlining their position; panel members may then ask questions of all parties to the complaint. Cross-examination of students, subjects of the complaint and witnesses by parties to the complaint will not normally be permitted; any questions from non-panel members should be put via the Chair who may choose not to allow them.
63. The Panel will be required to reach a decision on whether the complaint is upheld in whole or in part or not upheld and will produce a report, normally within 14 calendar days of any hearing, confirming its decision and giving details and reasons.
64. In cases where the Panel upholds a complaint in whole or in part it may provide recommendations for any action to be taken and any remedy to be applied. Where a Panel recommends that a compensatory or other financial award to a complainant may be appropriate it will not recommend an amount but will recommend that the Head of Academic Services or nominee consult with appropriate officers to agree an appropriate outcome with the Master.
65. In cases where a Panel does not uphold a complaint it may nevertheless recommend any steps that should be taken by the College in the light of any evidence received and considered. A response to any recommendation should be submitted to the Head of Academic Services or nominee by the appropriate officer within one month of notification.
66. The Panel is not empowered to take disciplinary action against any individual. Panels may recommend that disciplinary action be considered; such recommendations will be referred to the Head of the relevant service (staff) or the Head of Academic Services or nominee (student), to pursue if appropriate in accordance with relevant College policies and procedures.

67. You will be informed by letter of the College Complaints Panel's recommendations and will receive a copy of the Panel's report. The decision of the College Complaints Panel will be final.

### **Completion of Procedures**

68. At the conclusion of our procedures a student will be offered a Completion of Procedures letter signifying the end of the College internal Complaints Procedure.
69. A Completion of Procedures letter is required should the student wish to advance a complaint with the Office of the Independent Adjudicator regarding their complaint. The College will usually only issue a Completion of Procedures letter once our complaints procedure has concluded and a final decision has been provided to the student.

### **Office of the Independent Adjudicator for Higher Education**

70. Students who have exhausted the College's internal procedures for complaints or appeals may bring their complaint to the Office of the Independent Adjudicator for Higher Education (OIAHE) within one calendar year of receiving a Completion of Procedures letter. The OIAHE's website (at [www.oiahe.org.uk](http://www.oiahe.org.uk)) contains full information, and the OIAHE can also be contacted at: OIA, Second Floor, Abbey Gate, 57 – 75 Kings Road, Reading, RG1 3AB, tel: 0118 959 9813, email: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk). Anyone wishing to pursue a complaint through the OIAHE must complete a special Scheme Application Form, downloadable copies of which are available from the website.

**Academic Board  
June 2018**