



## Student Complaints Policy and Procedure V.1.1 – Review and Update July 2023

### 1 Scope of the Complaints Procedure

- 1.1 The school describes a complaint as an expression of dissatisfaction with any service or lack of service provided by school. School believes it is important that its students feel able to express dissatisfaction to which a response should reasonably be expected. Through the Complaints Procedure, school seeks to provide an accessible, fair and straightforward system which enables students to raise concerns, and which ensures an effective, timely and appropriate response. The Complaints Procedure is not restricted to students of school: it may be initiated by potential students or members of the public. The complaints procedure may also be initiated by students who have recently left their programme in a reasonable and within two calendar months period after the end of their studies. A complaint may also be submitted collectively by a group of students who should nominate a spokesperson who will be the channel of communication for the group; however, a complaint may not be lodged by a third party on behalf of the complainant.
- 1.2 Students are advised to consider whether there are more suitable ways for them to express the concerns that they have. For example, this may be done through Student Representatives at Programme Committees, through other feedback mechanisms such as module evaluation questionnaires, or students can discuss their concerns informally with the relevant person in the Academic Department/Service such as the Programme Manager, Programme Leader, Module Leader, Head of Student Services or other member of staff. All complainants are urged to seek to resolve their complaint informally either before embarking on the formal complaints procedure or at any stage during the procedure.
- 1.3 The Complaints Procedure does not cover complaints about academic marks/grades awards. Anyone who wishes to seek an academic review or lodge an appeal should use the Appeal Against Assessment Board Decisions Procedure (see Part 7 of the Manual of General Regulations. Separate and different procedures exist for the following types of complaints:
- (a) appeals against the decisions of Assessment Boards
  - (b) appeals against the decisions of the Extenuation Panel
  - (c) appeals against decisions taken under disciplinary proceedings
  - (d) complaints about businesses operating on school premises, but not owned by school
  - (e) complaints about the behaviour of other students (contact the Quality Manager with regard to consideration under student disciplinary regulations);
  - (f) appeals against the decisions of Investigating Panels
- 1.4 If, after initial investigation, it becomes apparent that a complaint may more properly be

dealt with under the staff disciplinary procedure, the case will cease to be dealt with by the Complaints Procedure and be dealt with by the Human Resources Department for the duration of the investigation.

## 2 Procedure

2.1 There are four stages in the Complaints Procedure:

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| Stage 1: | Conciliation  |
| Stage 2: | Formal complaint  |
| Stage 3: | Appeal to the Director of Quality or the Academic Registrar |
| Stage 4: | Independent Review  |

2.2 In the case of complaints against a member of the Senior Management, Stage 2 will be as follows:

- (a) A complaint against a Programme Manager /Programme Leader/Head of Department/Dean will be heard by the appropriate line manager.
- (b) A complaint against a member of the Executive Committee will be heard by the Principal.
- (c) A complaint against the Principal will be heard by the Chair of the Council.

### 2.3 Confidentiality and disclosure procedures

school's Student Complaints Procedure has been prepared in accordance with the QAA's Code of Practice for the assurance of academic quality and standards in Higher Education.

- Confidential information and sensitive personal data is protected under the Data Protection Act and the Institute's Data Protection Policy. You can find more information on the Institute's website at [www.businessschoolengland.co.uk](http://www.businessschoolengland.co.uk)
- Some information is exempt from privacy protection when requested by government departments, such as Social Security; Taxation; National Security; Pensions; Child Benefit; Other government benefits; Customs & Excise; and the Police. Your personal information can also be provided to a government agency where there is a risk of harm to you or others or to children. Also, if you have a work placement in an organisation that provides a service to vulnerable adults or children then some personal information about you can also be disclosed.
- All information provided to Student Governance will remain confidential for use within the management of the case. Only staff directly involved with the case will be given access to confidential information. (Subject to the exemptions noted above). Students can access any personal information the Institute holds on them by contacting the Institute's Data Protection Officer at [info@businessschoolengland.co.uk](mailto:info@businessschoolengland.co.uk)
- Student Governance will not discuss students' confidential information with a third party for example, parents; landlords; employers; or sponsors, without prior written consent from the student (subject to the exemptions noted above). In such cases Student Governance will confirm the identity of the third party and clarify why the third party requires this information.
- Student Governance procedures (such as the Student Complaints procedure and the Student Disciplinary procedure) operate within the principles of natural justice meaning that full disclosure of allegations made against students and / or staff and supporting evidence will be made to the relevant parties involved in the case.
- Statistical reports in respect of Student Governance cases are required from within

the Institute and by Third Parties (for example Freedom of Information Requests). All statistical records are produced in an anonymous format in order that individuals cannot be identified.

- All information relating to a case is stored, retained and destroyed in line with the Institute Archiving Policy.
- Students can discuss any concerns they may have regarding confidentiality within Student Governance processes by contacting Student Governance by telephone 0203 874 7298 or by email at [info@businessschoolengland.co.uk](mailto:info@businessschoolengland.co.uk)

### 3 Stage 1: Conciliation

- 3.1 Complainants are strongly advised to make every reasonable effort to resolve their complaint informally through meeting with the member of school staff most directly concerned with the matter before proceeding to Stage 2 and submitting a formal complaint. If necessary a conciliation meeting involving a more senior member of staff and the member of staff concerned may be held. school acknowledges that other methods may be more suitable when attempting to resolve the complaint at Stage 1 than a meeting, in particular for those students studying by distance learning. Students at this stage are strongly advised to seek advice and assistance from the Director of Quality or the Academic Registrar. The Director of Quality or the Academic Registrar should be able to arrange for a representative to attend conciliation meetings that are held between the Dept/Service and the student. school urges students to attempt to resolve complaints at this stage and recognises that the majority of complaints will be resolved satisfactorily at this stage.

Students can find guidance and support from the student body at [info@businessschoolengland.co.uk](mailto:info@businessschoolengland.co.uk). If you're not sure if we can help, please contact us anyway - we will know who at the Institute can help you! We're independent from the Institute. If you talk to us about a problem with the Institute we'll keep it confidential unless it appears there is a risk of harm to you or another person.

BSB Support and Advocacy is committed to providing a confidential service to its users. The following statement will be displayed in an appropriate visible place:

'school Student Body Support and Advocacy offers a confidential service - neither the fact that you have made contact with us nor any identifying details about your case will be shared with any other organisation or individual outside of the service without your express permission'

- 3.2 The complaint should be raised as soon as possible and normally **no more than 10 working days** after the failure in the service or the matter giving rise to the complaint. The member of staff approached should try to resolve the complaint through meeting with the complainant within 10 working days of receipt of the complaint.
- 3.3 Where it is not clear to the complainant which member of school's staff is directly concerned, or the complainant is studying at a partner institute and unclear on the correct complaints procedure to follow, the complainant will be advised by the Director of Quality or the Academic Registrar.

- 3.4 Normally, complaints concerning the structure or organisation of a programme will most appropriately be dealt with by the relevant Programme Committee. In these cases, the complainant should raise the complaint with the student representatives on the Committee, the Programme Manager or Programme Leader or the Head of Department as appropriate.
- 3.5 Where the procedure outlined in paragraphs 3.2 to 3.4 above does not produce a satisfactory resolution of the matter giving rise to the concern, the complaint may be formalised and dealt with as a Stage 2 Formal Complaint detailed in Section 4 below.
- 3.6 While every reasonable effort should be made to resolve complaints at Stage 1, the complainant has the right to proceed to Stage 2 at any time provided that it is **within two calendar months** of the matter giving rise to dissatisfaction.

#### 4 Stage 2: Formal complaint

- 4.1 If a complainant is dissatisfied with the outcome of Stage 1 or wishes to proceed direct to Stage 2, he/she shall make a written complaint on the Complaints Form (see Appendix 1). By proceeding direct to Stage 2 the complainant should be aware of the lost opportunity to resolve the matter by informal means. Any complainant who has not attempted to resolve their complaint through conciliation (Stage 1) will be asked to explain on the Complaints Form why they have not completed Stage 1 of the Complaints Procedure or why the informal process has not resolved matters to their satisfaction..
- 4.2 The completed Complaints Form should be lodged with the Director of Quality or the Academic Registrar within 10 working days of the unsatisfactory outcome of Stage 1 or within two calendar months of the complainant becoming aware of the matter with which he/she is dissatisfied. **An extension of these time limits will only be possible in exceptional circumstances**, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a case, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the complaint form the reason for the complaint being lodged outside of the time limits.

All Stage 2 complaints made using the Complaints form will be dealt with by the Director of Quality or the Academic Registrar.

- 4.3 Where appropriate the Director of Quality or the Academic Registrar will pass the complaint to the responsible manager(s), as outlined below:
- (a) Programme Manager/Programme Leader/Head of Department, if the complaint is about an academic matter, or relates to a matter arising in the context of a placement/practice placement;
  - (b) Head of a Service, or specifically named person, if the complaint is about a non-academic matter.
- 4.4 If the person cited in para 4.3 is him/herself personally involved in the matter of the complaint, the complaint will be dealt with by his/her line manager.

- 4.5 If the complaint is more appropriately investigated through the Academic Appeals Procedure then the complaint will cease to be handled as a complaint at this point and will instead be processed as an appeal
- 4.6 If the complaint is made by a research student about the quality of supervision, the complaint form should be lodged with the Director of Quality or the Academic Registrar within six months after first believing that there is inadequate supervision or provision of materials or equipment, but no later than three months before the oral examination. As detailed in paragraph 4.2, **an extension of these time limits will only be possible in exceptional circumstances**, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a case, the formal complaint should be made as soon as possible thereafter, without undue delay, and the complainant will be asked to explain on the complaint form the reason for the complaint being lodged outside of the time limits.
- 4.7 If the complaint concerns staffing and/or harassment matters, the Director of Quality or the Academic Registrar and/or investigating manager should consult with Human Resources regarding the appropriate procedure to adopt before conducting an investigation. If the complaint relates to a member of staff in a placement organisation, the investigating manager should consult the manager in the placement organisation regarding the appropriate procedure to adopt in this case.

#### 4.8 Investigation of complaint

4.8.1 The manager responsible for dealing with the complaint shall:

- (a) make such investigations as he/she deems appropriate;
- (b) ask any person being the subject of a complaint for a written statement on the alleged failure/deficiency;
- (c) where the complaint relates to a placement/practice placement, ensure that consultation takes place with appropriate placement staff before concluding any investigation. The placement organisation will be asked to nominate a member of staff to act as liaison in respect of the complaint; this may be the practice placement supervisor;
- (d) keep the complainant and all other people involved informed on the progress of the investigation, in particular when and why the time limit cannot be adhered to.

4.8.2 If the Director of Quality or the Academic Registrar and/or investigating manager considers that there is a *prima facie* case to proceed under the staff disciplinary procedure, the case will cease to be handled through the complaints procedure and dealt with henceforth by the Human Resources Department. Where harassment is involved, special provisions apply at each stage of the disciplinary procedure (the anti-harassment procedure refers). Where the member of staff is located in a placement organisation the case will be handled through the arrangements of that organisation. The complainant and the Quality Manager will be notified of this decision; the

complainant will not be disadvantaged by this decision.

4.8.3 The investigating manager may make one of the following decisions within the procedures laid down by school and under the rules of natural justice:

- (a) to dismiss the complaint;
- (b) to suggest an amicable settlement to the complainant (and member of staff if appropriate). Where the complaint relates to a placement organisation the proposed settlement should also be communicated to the nominated liaison person at that organisation. If this is not mutually accepted within five  
  
working days, then the manager shall make a decision under (a) or (c) of this section. If the settlement is accepted, the procedure terminates at this stage;
- (c) to find the complaint justified and make an offer of redress to the complainant, for example, an apology and/or appropriate recommendations to the school Department or Service or placement organisation.

4.8.4 The investigating manager shall, within 15 working days of receipt of the complaint form, produce a written report responding to all complaint points making clear the grounds on which a decision or settlement has been reached. This report will be given to the Director of Quality or the Academic Registrar. A letter to the complainant, based on the investigating manager's report, will be sent to the complainant. The letter will deal with each point of complaint and include actions, as appropriate.

## 5 Stage 3 – Appeal to the Director of Quality or the Academic Registrar

- 5.1 If the complainant is still not satisfied with the response, he/she should give written notice to the Director of Quality or the Academic Registrar within 10 working days of receipt of the response, explaining why he/she is not satisfied with the outcome. If the matter has been investigated under other school procedures, as provided for under paragraph 4.7 above, the complainant can equally request a review of this decision. In each case, the complainant should indicate the matters which he/she considers to be outstanding.
- 5.2 Within 10 working days of receipt of the complaint, the Director of Quality or the Academic Registrar or nominee will decide whether there is a *prima facie* case to refer the matter to the Complaints Review Panel, provided that:
  - (a) there is, at the time, still a complaint which comes under the scope of this procedure;
  - (b) the student's desired outcome to the complaint is achievable;
  - (c) the complaint was lodged within the set time limit.
- 5.3 If there is no *prima facie* case for proceeding to a complaints review panel the complainant shall receive a written statement explaining the reasons for this. If the complainant is not satisfied with the response he/she shall be given the option of proceeding direct to an

independent review at Stage 4.

- 5.4 If there is a *prima facie* case for proceeding, the Director of Quality or the Academic Registrar may consider the possibility of a mediatory meeting with the parties involved at Stage 1 of the procedure. If the meeting is successful, the complainant and other party will be informed of the outcome in writing within 10 working days. When an attempt to achieve a resolution through mediation is unsuccessful or would appear to be inappropriate, the Director of Quality or the Academic Registrar will arrange for a Complaints Review Panel to be convened.
- 5.5 The Director of Quality or the Academic Registrar shall arrange for a Complaints Review Panel to be convened within 30 working days of the notification, to consider and adjudicate on the complaint.
- 5.6 The Complaints Review Panel shall normally consist of the following members:
  - (a) a Chair, who shall be a member of the Executive Committee or other senior member of staff;
  - (b) two members of staff one of whom shall be at management grade;
  - (c) a student representative
- 5.7 In the event of a complaint against a Senior member of staff the Complaints Review Panel shall consist of the following members:
  - (a) the Principal , as Chair
  - (b) two members of staff one of whom shall be at management grade;
  - (c) a student representative
- 5.8 Where possible school shall seek to ensure that the composition of the Complaints Review Panel reflects the character of our institution and/or at least one person has been trained in equality and diversity issues.
- 5.9 The Director of Quality or the Academic Registrar shall make available to the Complaints Review Panel the complaint form, previous correspondence relating to the complaint and any other relevant documentation.
- 5.10 The outcome and the reasons for the decisions of the Complaints Review Panel will be communicated by the Director of Quality or the Academic Registrar to the complainant within 10 working days of the meeting of the Complaints Review Panel. The Complaints Review Panel will, at the same time, send a report summarising the complaint, the action taken to resolve it, and the Panel's conclusions and recommendations to the Principal and the relevant Head of Department/Head of Service. The decision of the Review Panel will be final and binding.
- 5.11 If the complaint is upheld the manager concerned will be asked to respond to the Principal and to the Chair of the Complaints Review Panel within 15 working days of receipt of the report, stating what action has been taken or is proposed in the light of the Panel's recommendations. The Complainant will also be notified of action taken or action proposed in response to the Panel's recommendations.

- 5.12 The procedure of the Complaints Review Panel hearing shall be as specified in paragraph 6 below.
- 5.13 As far as is practicable, confidentiality shall be preserved in the investigation of the complaint. However, information provided by the complainant may be used when a complaint is investigated.
- 5.14 Once the Stage 3 procedure has been completed school will issue the complainant with a 'Completion of Procedures' letter. This letter will be issued by the Director of Quality or the Academic Registrar. The letter will notify the complainant of the outcome of their complaint and any changes or adjustments that may have been made as a result of the complaint.

## **6 Procedural Rules for the Complaints Review Panel**

- 6.1 The hearing shall take place in private on the premises of school on a date fixed by the Chair in consultation with members of the Panel.
- 6.2 The complainant may be accompanied at the hearing by one friend but not a paid legal representative. Where several students are bringing the same complaint, they shall appoint two of their number (each accompanied by one friend who cannot be one of the complainants) to attend the hearing. Both the complainant and their friend will have the opportunity to address the panel and ask questions
- 6.3 After the date of the hearing has been fixed the Director of Quality or the Academic Registrar shall, at least seven days before the hearing, write to the complainant(s):
- (a) notifying the date of the hearing;
  - (b) requesting six copies of any written submissions from the complainant, to be submitted at least two full working days before the hearing date;
  - (c) requesting the complainant(s) to provide the name(s) of any other friend(s) who will accompany them at the hearing and the name(s) of any witness(es) they would like to call (It is the responsibility of the complainant(s) to notify such friend(s) or witness(es) of the hearing.);
  - (d) requesting the complainant(s) to provide details of any reasonable adjustments that may need to be made for the hearing in order to accommodate the complainant if they have a declared disability.
- 6.4 At all times following the lodging of a complaint under the formal complaints procedure, a member of school staff who is concerned or named in the complaint or whose conduct is by implications called into question by the complaint has the right to be represented by a friend, who shall normally be another member of staff of school.
- 6.5 The Director of Quality or the Academic Registrar will circulate all the information received to the Panel and to the parties involved at least two working days before the date of the hearing. In addition to the complainant and respondent, the parties involved shall include the placement liaison in respect of a placement/practice placement organisation.
- 6.6 Written information not received in advance shall not be considered by the Panel unless the Panel decides, in exceptional circumstances, to receive such evidence.



- 6.7 If the complainant does not appear at the date and time scheduled for the hearing, the Complaints Review Panel shall consider whether any reasons advanced for non-attendance are valid, and:
- (a) if members so judge, adjourn proceedings to a later meeting;
  - (b) if no reasons are advanced, or if they are judged invalid, proceed in the complainant's absence.
- 6.8 The Panel will decide whether or not any particular witness should be called.
- 6.9 The Quality Unit shall be responsible for servicing the hearing, and for producing the report on behalf of the panel.
- 6.10 The Chair has the power to regulate the procedure of the hearing within the spirit of these rules, having regard to the need to maintain informality and reasonable despatch of the proceedings.
- 6.11 Time limits may be departed from only at the discretion of the Chair. If a complaint lapses as a result of failure to keep to a time limit, the complaint cannot be recommenced. Time is calculated on working days throughout the year.
- 6.12 In exceptional circumstances the Panel may consider documents or hear evidence in the absence of the parties.
- 6.13 The Panel shall endeavour to present to the Principal a report of the facts found and their commendations made on the basis of those facts. If the report is not agreed unanimously by the panel, the minority shall be entitled to record their views and submit them to the Principal.

## **7. Role of the Validating University**

- 7.1 Where a student is on a programme whose award is made by one of school's Validating University the student may only appeal on academic matters to the validating University. This means that the matter raised by the student would be dealt with under the Appeal Against Assessment Board Decisions. Only after the full Appeal Against Assessment Board Decisions procedure at school has been exhausted may the student appeal to the Validating University. Normally, any appeal to the Validating University should be on procedural grounds in relation to school's procedures. Where the student complaint is to do with non-academic matters then the student may not take their complaint to the Validating University after exhausting the procedures within school.
- 7.2 Each Validating University may adopt a slightly different approach to how an academic appeal is dealt with. If the Validating University determined that there were procedural irregularities the Validating University would refer the appeal back to school for re-investigation and for a different panel to hear the appeal. The Validating University will not hear the appeal themselves.

## **8 Reporting of Formal Complaints to the Academic Board**

- 8.1 The Director of Quality or the Academic Registrar shall report annually to the Academic Board on formal complaints (Stage 2 and Stage 3) received. The report will include: the number of formal complaints lodged the number satisfactorily addressed at Stage 2; the number of complaints that proceed to Stage 3; the number of complaints that proceed to a Complaints Review Panel; and number proceeding to independent review. Data

concerning equal opportunities monitoring shall also be provided. Any overall recommendation(s) arising from the reviews will be drawn to the attention of the Academic Board.

## 9 General Principle underlying the Complaints Procedure

school's Complaints Procedure recognises the importance of the protection of the rights of those wrongly accused. Malicious or frivolous accusations will be viewed as a serious matter by school and could lead to disciplinary action, or legal proceedings.

## 10 Formal Complaint Form

You need to complete this form to lodge a formal complaint. You should only make a Stage 2 formal complaint after you have tried to resolve the issue or issues that have caused you concern by informal means. You should submit the completed Complaints Form to the Director of Quality and Academic Registrar at school.

You will receive an acknowledgement following the submission of this form within five working days. Please ensure that you complete every part of this form. Normally, you should expect to receive a formal response to your complaint within fifteen working days of submitting the completed Complaints Form.

If you have any questions or queries please contact the Director of Quality and Academic Registrar in the first instance.

*Name:*

*Programme of study:*

*Address :*

*Mobile number:*

*Email address:*

**Nature of complaint** - please state clearly and precisely what you are complaining about making sure you state the time and date of the event and people involved:

Please give further details about your complaint together with any evidence and/or facts that support your complaint:

Please indicate how you think the issues that you have raised in your complaint could be resolved to your satisfaction:

**Please describe how you have tried to resolve your complaint by informal means:**

**Data Protection Act 1998** By signing this form you are also agreeing to the following: school will process the information provided by you for the purposes of investigating and resolving your complaint, and monitoring and evaluating the effectiveness of the Complaints procedure. If you do not give your consent by signing this form we will not be able to progress your complaint.

Please ensure that you complete each section of this form. When completed please sign and date, then submit to the Director of Quality and Academic Registrar at school.

*Signed:*

*Date:*

Ver. 1.1 January 2020