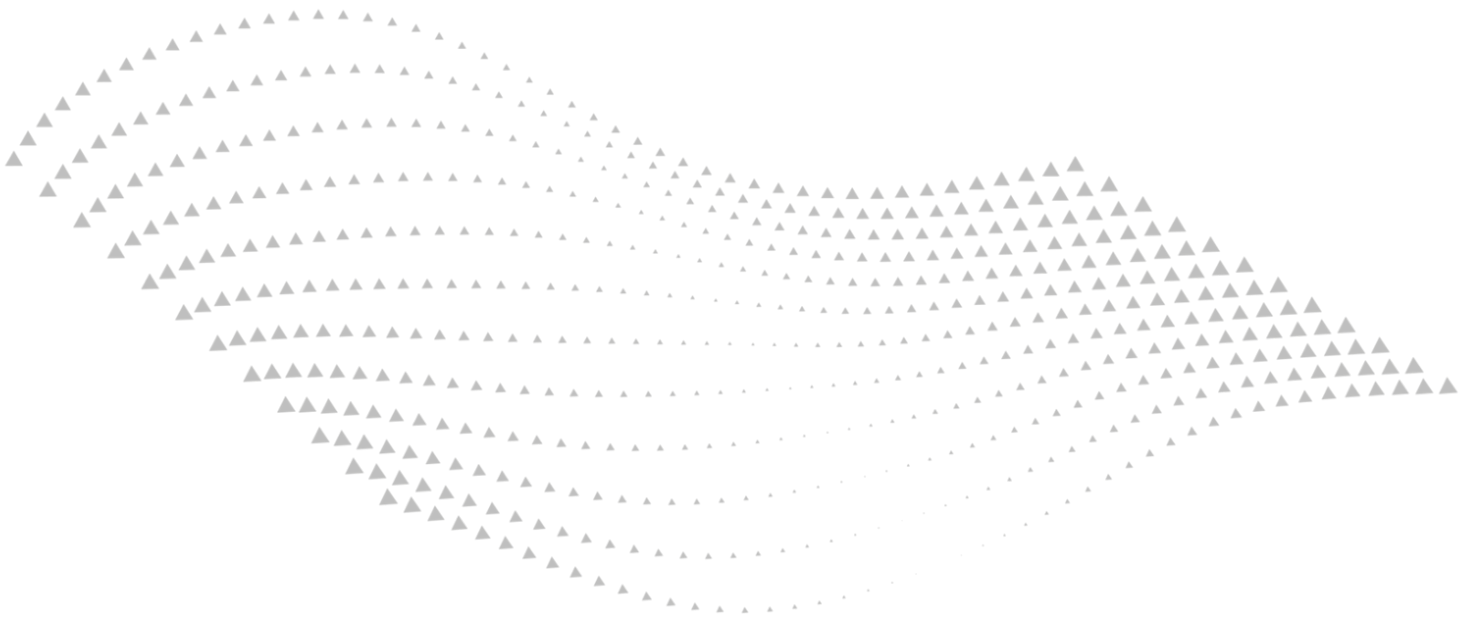


Student Complaints Procedure



Last approved: December 2022

Approved by: Academic Board

Next review due: December 2026

1 Scope

- 1.1 This Procedure applies to all students registered on a course at BIMM University (“the University”), and for students who have recently left their course.

2 Purpose

- 2.1 This Procedure is intended to provide a means for resolving problems that may arise during the academic year, such as those relating to teaching provision or other services. This is different from an Academic Appeal, which provides a formal means for reviewing a decision made on student assessment, progression or award, and for resolving a student's concerns in a fair and consistent manner. If a student needs advice about whether the matter they wish to raise is categorised as a complaint or an appeal, they should consult either the College Principal or Head of Student Services. If there remains any uncertainty regarding which procedure to use, further advice is available from cap@bimm.co.uk.

3 General Principles

- 3.1 As a general principle, the University expects that Complaints will be dealt with informally in the first instance. Many Complaints can be dealt with quickly and effectively in this manner without the need to follow formal procedures, and this Procedure has been designed with this in mind.
- 3.2 The University is committed to providing a high-quality service to its students, who are encouraged to report any causes for concern or matters needing improvement. However, the University will not accept Complaints which are frivolous (unfounded, trivial), malicious (with vindictive motivation) or vexatious (persistent, unwarranted).
- 3.3 Students should be assured that no Complainant will be disadvantaged by having raised a Complaint. Privacy and confidentiality will be maintained in the handling of Complaints, except where disclosure is necessary to progress the Complaint. It is the University's expectation that the confidentiality of any documentation generated by a Complaint will be respected by all parties. If a student wishes for the University to communicate with a representative throughout the process, they must provide written permission to do so. It should be noted, however, that the Complaints Procedure is an internal process and that the University will not communicate or meet with legal representatives as part of proceedings.

4 Making a Complaint

- 4.1 If a student is considering making a Complaint, they are strongly advised to talk to one of the postholders listed below, as they can advise on the procedure, help to resolve a Complaint informally and, if necessary, support them through the process of making a formal Complaint.
- Student Representatives
 - Student Support Officer
 - Head of Student Services
 - Course Leader
 - College Principal
- 4.2 The following list indicates examples of the type of Complaint covered by this Procedure:
- Poor teaching or supervision.
 - Misleading information in prospectuses or in advertising or promotional material.

- A failing in a University service, academic or non-academic.
- Inadequate facilities.

4.3 The following are not covered by the procedure:

- A request for a review of a decision of an academic body (e.g., Exam Board) regarding student assessment, progression or award. This is defined as an Appeal and is dealt with under the University's Academic Appeals Procedure.
- Complaints regarding the behaviour of another student or a member of University staff are covered by the University's Bullying & Harassment Policy & Procedure and Sexual Misconduct Policy & Procedure. Complaints about staff which do not fall under the abovementioned policies and procedures may need to be referred to the University's People Team.

4.4 It is important to remember that Complaints will not always result in an outcome preferred by the Complainant. There may be several reasons for this, including lack of evidence to substantiate the Complaint, or the fact that circumstances beyond the University's control may affect the level of service provided. However, whatever the outcome, students will be informed of the result of a Complaint in writing and will be provided with the reasons for that outcome being reached.

4.5 Investigations into Complaints will usually be overseen by the College Principal, though an Investigating Officer may be appointed to undertake these duties. Complaints about a central service, such as Finance or IT, may be considered by a senior member of that department.

4.5 In some cases, students may be contacted for further information or clarification, and they have the right to request a meeting with the Investigating Officer handling their Complaint to discuss the issues in person.

4.6 Complaints must be submitted by the student and cannot be submitted by third parties. However, in submitting a complaint via the relevant form, the student may nominate a person to deal with the University on their behalf. The University can only deal with the third party in this way once the student has submitted the complaint form via cap@bimm.co.uk.

5 Types of Complaints

5.1 Level 1 (Informal) Complaints

5.1.1 Wherever possible, Complaints should be raised as soon as possible (and no later than 28 days from the date of the incident) with either the member of staff responsible or a member of the Student Support team, with the aim of resolving the matter directly and informally. This will generally be a verbal process and a written record will not be kept. -

5.1.2 If a student remains dissatisfied with the response to a Complaint at Level 1, they should use Level 2 of the process.

5.1.3 Students are strongly advised to undergo informal procedures as outlined in 5.1.1. However, they are entitled to go straight to Level 2 if they either don't wish to engage directly with the alleged offending party or they do not believe this would be appropriate given the nature of the complaint.

5.2 Level 2 (Formal) Complaints

- 5.2.1 Where it has not been possible to resolve matters at Level 1, a student may submit a formal Complaint by completing the form available [here](#) and submitting it to cap@bimm.co.uk.
- 5.2.2 In order for a Complaint to be properly investigated, it is essential that students are specific about the cause and nature of the Complaint. They should present full details, including their name, student ID number and student email address and include all relevant documentation. They should detail what attempts have already been made to resolve the Complaint and state what outcome and remedy is being sought.
- 5.2.3 Level 2 (Formal) Complaints should be lodged within 90 days of the conclusion of the Informal (Level 1) phase or from the date of the incident if a Complaint is not lodged informally. Complaints received beyond this point will not normally be considered – however there may be cases where the student has good reason, supported by evidence, for late submission of a complaint. In these cases the University will use its discretion to determine whether to investigate the complaint. An acknowledgement of the receipt of a Complaint will be issued within 7 days.
- 5.2.4 The relevant College Principal will manage each Complaint on a case-by-case basis by reviewing the details. A decision will be communicated to the Complainant via email within 28 days and they will be advised if, for any reason, there is likely to be a delay in the process.

6 Level 3 Reviews

6.1 Level 3 Internal Review

- 6.1.1 If a student is dissatisfied with the outcome at Level 2, they are entitled to request an Internal Review of the outcome. Such a request must be submitted to cap@bimm.co.uk within 21 days of receiving the outcome letter, using the form available [here](#).
- 6.1.2 A review of the original decision can only be made on the following grounds:
- There were circumstances, or new evidence has come to light, which affects the student's Complaint that could not reasonably have been made known to the investigators at the time the Complaint was originally considered.
 - There was a procedural error in the process which could have produced a different outcome had the error not occurred.
 - There was evidence of bias in the process which could have produced a different outcome had the bias not occurred.
- 6.1.3 Requests for an Internal Review should be accompanied with supporting evidence, and it is the student's responsibility to supply all supporting evidence with such requests.
- 6.1.4 The Internal Review process is available to:
- All students studying on courses leading to a BIMM award.
 - Students studying on courses leading to awards by partner institutions who have made complaints of a non-academic nature.
- 6.1.5 An acknowledgement of receipt of a request for an Internal Review will be issued within 7 days, and the University aims to complete the process within 28 days of receiving a request for an Internal Review.

6.1.6 The Dean of Learning, Teaching & Research will review the case in the first instance. In the event that they had prior involvement with the case, it may be considered by a member of the Executive Management Team. A Reviewing Officer may also be appointed to carry out the investigation.

6.1.7 Outcome of Internal Review

6.1.8 The following outcomes are available to the reviewer:

- To overturn the original decision and issue a new decision on behalf of the University. This could include referring matters to different procedures where appropriate.
- To uphold the original decision made by the University.

6.2 Level 3 Awarding Institution Review

6.2.1 Awarding institution reviews of outcomes of/decisions on Complaints of an academic nature are available to students studying on Higher Education courses awarded by a partner institution. If a student is dissatisfied when the University's Complaints Procedure has been exhausted at the end of the Level 2 process, the awarding institution will consider the Complaint under their own procedure, provided the student lodges a request for a review of the University's decision within 21 days of receiving the outcome letter.

6.2.2 The awarding institution will initially ascertain if all the correct Procedures have been followed by the University and if, after considering the case against the criteria set, the awarding institution decides to undertake further investigation, they will consult senior officers at the University as well as their own. Reviews of complaints will be considered under the awarding institution's procedures at Level 3.

6.2.3 The student will be informed of the result of the awarding institution's Level 3 Review in writing, in accordance with their own procedures and timelines. Should they still be dissatisfied, there is the option of an additional review by the Office of the Independent Adjudicator (OIA). (See section 6.3.)

6.3 Option for Independent Review by the Office of the Independent Adjudicator

6.3.1 An independent review is available to all students studying at BIMM University.

6.3.2 The Office of the Independent Adjudicator (OIA) provides an independent scheme for the review of student Complaints or Appeals. When all procedures for investigating the Complaint have been exhausted, the University or the awarding institutions will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review must submit their application to the OIA within 1 year of the issue of the Completion of Procedures letter. The OIA will not normally consider a Complaint that has not previously been considered under all the procedures available at the University and its awarding institutions and will not normally consider Complaints where the Completion of Procedures Letter is issued more than three years after the substantive event(s) complained about.

6.3.3 The OIA form is available [online](#), or can be requested via email to enquiries@oiahe.org.uk

6.3.4 Students seeking an independent review through the OIA should note that any Complaint at that stage would be in respect of the procedures of the institution that carried out the Level 3 Review, whether that be the University or an awarding institution.

7 Option for complaining to the Education and Skills Funding Agency (ESFA)

- 7.1 As well as the student having the opportunity to have their complaint independently reviewed by the OIA, where a student is on a funded FE course at the University and is dissatisfied with the handling of their complaint by the University they can also ask the Education and Skills Funding Agency (“ESFA”) to consider their complaint. The student must contact the ESFA within 12 months after the incident about which they have complained, and it must meet certain criteria to be considered. More information can be found [here](#).

The student can email their complaint to the ESFA complaints team: complaints.ESFA@education.gov.uk. The ESFA will reply to inform the student of the next steps. If the student is unhappy with the way in which the ESFA has dealt with their complaint, they can contact the Department for Education.