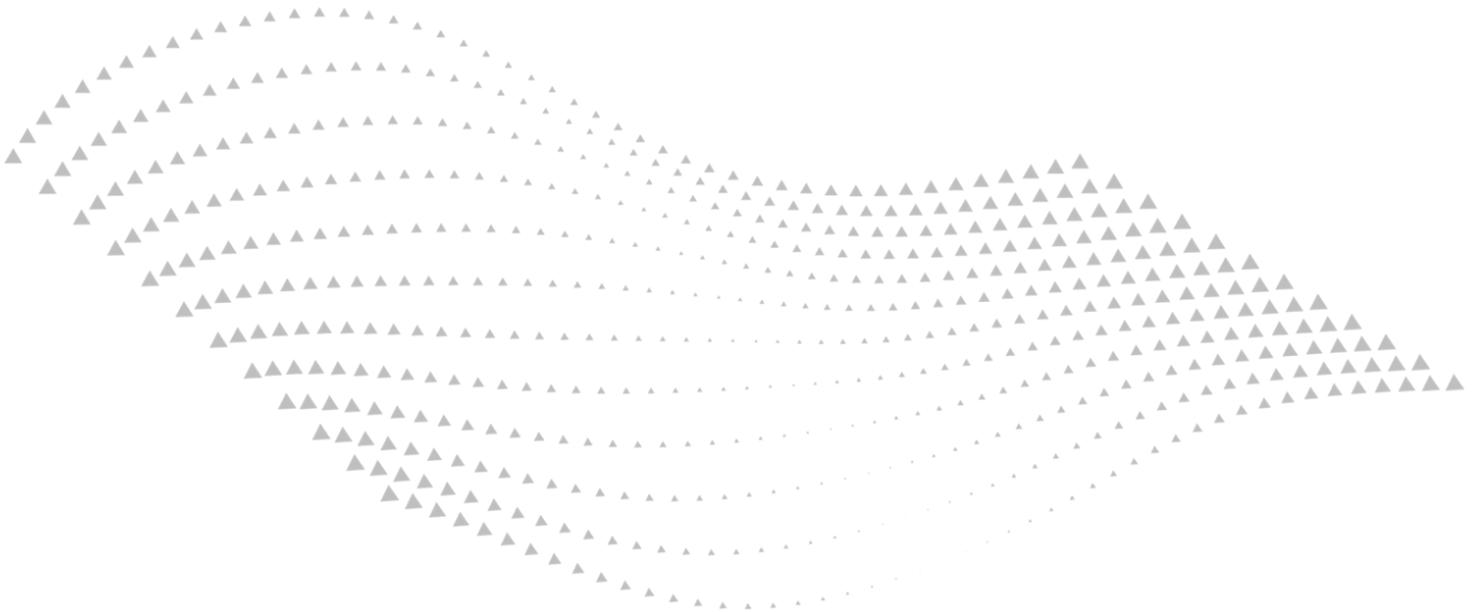




Student Complaints & Appeals Procedures



Last approved: March 2020

Approved by: Academic Board

Next review due: March 2024

Student Complaints Procedure:

General Principles

As a general principle, BIMM Institute 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. This complaints procedure has been designed with this in mind.

The Institute is committed to providing a high-quality service to its students, who are encouraged to let us know when there is cause for concern or a need for improvement. However, the Institute will not accept complaints which are frivolous (unfounded, trivial) or malicious (with vindictive motivation).

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 Institute's expectation that the confidentiality of any documentation generated by a complaint will be respected by all parties. If a student wishes for the Institute to communicate with a representative throughout this process, we must have written permission from them to do so. It should be noted, however, that the complaints procedure is an internal process and the Institute will not communicate or meet with legal representatives as part of the proceedings.

If a student is considering making a complaint, they are strongly advised to talk to one of the postholders listed below. They can advise on how to deal with a complaint, help to resolve it informally and, if necessary, support students through the process of making a formal complaint.

- Student Support Officer
- Course Leader
- Head of Student Services
- College Principal
- Student Representatives

The following list indicates examples of the type of complaint covered by the procedure:

- Poor teaching or supervision
- Misleading information in prospectuses or in advertising or promotional material
- A failing in a BIMM Institute service, academic or non-academic
- Inadequate facilities
- The behaviour of a member of BIMM Institute staff

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 progression, assessment and award. This is defined as an Appeal and is dealt with under the Appeals Procedure outlined later in this document.
- Complaints against another student are dealt with in accordance with the separate Student Disciplinary Procedure.

It is important to remember that complaints will not always produce an outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond the Institute's control may affect the level of service provided. However, whatever the decision, students will be informed of the result of the complaint in writing and will be provided with the reasons for the outcome.

Types of Complaints:

- Academic complaints relate to issues that have a direct effect on the provision of teaching, learning, research and supervision.
- Non-academic complaints usually relate to issues connected with College services, but also cover any inappropriate behaviour from Institute staff, including allegations of behaviour deemed to be discriminatory or harassing.

Investigations into complaints will usually be overseen by the College Principal. However, 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.

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

Students will be informed in writing of the outcome of their complaint. The Institute aims to resolve most complaints at Level 2 within 28 days. Students will be informed if, for any reason, there is likely to be a delay in the process.

Level 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.

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

Level 2

Where it has not been possible to resolve matters at Level 1, a student may submit a formal complaint by completing the form found [here](#) and submitting it to cap@bimm.co.uk.

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 and term-time 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.

Formal (Level 2) complaints should be lodged within 90 days of the conclusion of the informal (Level 1) phase. Complaints received beyond this point will not normally be considered. Students should expect to receive an acknowledgement of the receipt of their complaint within five working days. If a complaint is not lodged informally the deadline shall be 90 days from the date that the incident the student is complaining about occurred

Level 3

Internal Review

The internal review process is available to:

- All students studying on courses leading to awards conferred by BIMM Institute
- Students studying on courses leading to awards by partner institutions who have made complaints of a non-academic nature

If the student is dissatisfied with the outcome at level 2, they are entitled to request an internal review of the decision.

Such a request must be submitted to cap@bimm.co.uk within 21 days of receiving the outcome letter using the form which is included with the outcome letter.

A receipt will be issued within 7 days and the Institute aims to complete the review within 28 days of receiving the complaint.

The Dean of Learning, Teaching & Research (DoLTR) will investigate the case in the first instance. In the event that the DoLTR has had prior involvement with the case, it may be considered by a member of the Executive Management Team. An investigating officer may also be appointed to carry out the investigation.

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 complaints process which could have produced a different outcome had the error not occurred;
- There was evidence of bias in the complaints procedure such which could have produced a different outcome had the bias not occurred.

Requests for internal review should be accompanied with supporting evidence. It is the student's responsibility to supply all supporting evidence with their review application.

Outcome of review

The following outcomes are available to the reviewer:

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

Awarding Institution Review

Awarding institution reviews of complaints of an academic nature are available to students studying on courses awarded by a partner institution. If the student is dissatisfied when the Institute'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 Institute's decision within 30 days of receiving the outcome letter. The awarding institution will initially ascertain if all the correct procedures have been followed by the Institute 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 Institute as well as the relevant awarding institution officers. Level 3 complaints will be considered under the awarding university's procedures at Level 3.

The student will be informed of the result of the awarding institution Level 3 investigation in writing. Should they still be dissatisfied, there is the option of an additional review by the Office of the Independent Adjudicator.

Option for Independent Review

An independent review is available to students studying on courses awarded by a UK provider, including those awarded by BIMM Institute or any of its UK partner institutions.

The Office of the Independent Adjudicator (OIA) provides an independent scheme for the review of student complaints or appeals. When all procedures investigating the complaint have been exhausted, the awarding university or the Institute will issue a Completion of Procedures letter. Students wishing to avail themselves of the opportunity of an independent review by the OIA 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 Institute 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.

The form can also be downloaded from [the OIA website](#) or requested by phone or post from:

OIA
Third Floor
Kings Reach
38 – 50 Kings Road
READING
RG1 3AA
0118 959 9813

Preferably use the online form, or alternatively email enquiries@oiahe.org.uk

Further advice about contacting the OIA is available from the Heads of Student Services. 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 Institute or an awarding institution.

Student Appeals Procedure:

Purpose

The appeals procedure is intended to provide a formal means for reviewing a decision made on student progression, assessment and award, and for resolving the student's concerns in a fair and consistent manner. This is different from the Student Complaints Procedure, which provides a means for resolving other problems that may arise during the academic year, such as those relating to teaching provision or other services. 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.

Scope

This procedure applies to all students studying on courses awarded by BIMM Institute or a UK partner institution. However, the Institute may not be able to consider appeals made against decisions made by University of West London (UWL) exam boards, which may instead be investigated by UWL under their procedures.

What decisions can students appeal against?

- Failure of the course of study
- The recommended category of award
- A decision that the student is required to withdraw from the course because they have failed to satisfy the requirements for academic progress within that course
- A decision that a student is required to submit one or more assessment units, having failed to satisfy the requirements for academic progress (this can include a decision that a student is required to repeat a year)
- A particular assessment result (this can include a penalty for late submission, or failure to submit a piece of work, but not matters of academic judgement as listed below)
- A decision by the Institute to withdraw a student.

There is also a right of appeal against the following decisions:

- Academic Misconduct Panel
- Mitigating Evidence Committee
- Refusal to allow an alternative mode of assessment

What can't students appeal against?

Students are not able to appeal against matters of academic judgement and student work cannot be remarked, unless the appeal satisfies at least one of the grounds for appeal as outlined in the procedure.

Academic judgement is any decision where only the judgement of an academic expert will suffice. The Institute considers academic judgement to include:

- The appropriateness of feedback in relation to a given mark;
- The appropriateness of a mark;
- The appropriateness of a research topic;
- The appropriateness of a research or essay question;
- Judgment regarding whether the learning outcomes have been met;
- The decision of an exam board regarding whether or not condoned credit should be awarded;
- The decision of an exam board regarding whether or not an opportunity to retrieve credit should be offered and which retrieval opportunity should be offered;

- A judgement by the appropriate member of staff, in line with our procedures, as to whether plagiarism has occurred and the extent of that plagiarism;
- A judgement by the appropriate member of staff, in line with our procedures, as to whether academic misconduct has occurred and the extent of that misconduct;
- Whether the marker has appropriate academic expertise.

When assessing a piece of work, the marker is required to make an academic judgement about the quality of that work. Making such an academic judgement, by definition, requires the marker to use their academic expertise and subject knowledge combined with the grade descriptors contained within the Institute's Generic Marking Scheme to come to a decision about the quality of the work. The academic judgement of the marker and Exam Board in higher education institutions such as BIMM Institute is protected by UK law and, therefore, students are not entitled to appeal against matters of academic judgement.

Principles of the Student Appeals Procedure

Students lodging an appeal will not be disadvantaged by doing so. Privacy and confidentiality will be respected, and disclosure of information provided by a student in the course of an appeal will be restricted to those individual officers directly involved in consideration of that appeal, and that may include Chairs of Mitigating Evidence Committees and Exam Boards. The appeal will be considered in the first instance by the College Principal, who may appoint another member of staff as the Investigating Officer for the case. The appeal will be considered in accordance with the Institute's Equality & Diversity Policy. There is no right of appeal against matters of academic judgement, however students do have the right to appeal against certain academic decisions such as:

- a. That there existed circumstances affecting the student's performance of which the Exam Board was not aware when its decision was made, and which could not reasonably have been presented to the Exam Board.**

The Institute recognises that sometimes situations will arise that prevent students from submitting a piece of work on time, or that might affect the standard of work submitted. The usual procedure for dealing with such circumstances is to apply to the Mitigating Evidence Committee (MEC) as and when such a situation arises.

Students intending to lodge an appeal on these grounds should note that, for an appeal to succeed, they will need to show that all three criteria listed below are met:

1. *Circumstances affecting the student's performance...*
Evidence of these circumstances should be submitted with a clear explanation of the period of time and specific pieces of assessed work that were affected.
2. *of which the Exam Board were not aware when its decision was taken...*
An appeal will not have strong grounds for being upheld where the examiners were already aware of the circumstances described and made their decision in the knowledge of those circumstances.
3. *which could not reasonably have been presented to the Exam Board*
An appeal can usually only be considered where the student has been unable to follow the normal procedure for submitting evidence to the MEC and it would not be reasonable to have expected them to have done so. An example might be that the student was in hospital or was suffering from mental health difficulties which meant they were unable to prepare a submission to MEC at the appropriate time. It is not sufficient for the student to say that they were unaware of the procedure for making a submission to MEC or had chosen not to do so.

- b. There was a procedural irregularity (including administrative error) or other inadequacy in the conduct of the examinations, or processing of marks or grades, or the categorisation of an award.**

An appeal may be brought where the student believes that the award, outcome or mark is incorrect because the Institute has made an error. It is not enough to show that an error has taken place - it will be necessary for the student to show that the error resulted in an incorrect decision being made. If the error is clearly demonstrable, it can often be corrected without the necessity to go through a formal appeal process, so students are advised to seek urgent advice from the College Principal or their Course Leader in the first instance.

c. There exists evidence of prejudice or bias in the marking, moderation or Exam Board proceedings.

Appeals for bias must be brought after an Exam Board has sat to ensure all internal checks and balances have been carried out. Any appeal brought on these grounds should clearly identify the individual(s) considered to have shown prejudice or bias against the student and should be supported by evidence.

Grounds for Non-Academic Appeals

Students may not appeal the professional judgement of a decision-making panel (e.g., their resulting grade), but may make an appeal on the following grounds:

- a) That there existed circumstances, or new evidence has become available, which affects the student's case, of which those who determined the judgement were not aware when their decision was taken, and which could not reasonably have been presented to them.
- b) That there is evidence of procedural irregularity (including administrative error) in the consideration of the student's case of such a nature as to cause doubt as to whether the result might have been different had there not been such an irregularity.
- c) There exists evidence of prejudice or bias on the part of those making the decision.

Deadlines for Appeal

Academic Appeals: An **academic appeal** must be lodged within **21 days** of the publication of the Exam Board's decision.

Students studying a University of West London-validated degree must submit any appeals that are made against any Exam Board decisions within **10 days** of the publication of the Board's decision. These decisions may be considered by UWL directly under their procedures as they run their own exam boards.

Withdrawal: If a student wishes to appeal against their withdrawal from a course at the Institute, they will need to appeal within **9 days** of being notified of the decision in writing.

Fitness to Study Withdrawal: Due to the nature of Fitness to Study panels, students are given slightly longer to appeal, so these must be submitted within **21 days** of being notified of the decision in writing.

Disciplinary Appeals: If a student wishes to appeal against a decision made by a disciplinary panel, they should follow the appeals process in the Student Disciplinary Procedure. The deadline for submitting such appeals is **9 days**.

All other appeals: Appeals against any decision not enumerated above must be submitted within **21 days** of the decision being notified to the student.

All appeals should use the forms available [here](#) and be submitted to cap@bimm.co.uk.

How the Appeal will be considered

Receipt of an appeal will be acknowledged within 7 days. Relevant information will be gathered, which could include the Course Leaders or College Principal comments on the appeal, the student transcript, any Mitigating Evidence Committee records and Examination Board minutes. This process will normally take a minimum of two or three weeks and may take longer for particularly complex cases, or when someone who has critical information is unavailable. Students may also be asked for clarification of statements in their appeal or for further evidence.

Students are reminded that it is their responsibility to ensure that they have provided enough information and supporting evidence to substantiate their grounds for appeal. Students must ensure that the Institute can contact them quickly about an appeal by keeping us informed of any changes to contact details.

Once the relevant information has been gathered, a decision will be made as to whether or not the appeal is admissible. An appeal may be rejected if:

- The appeal is submitted late;
- The student fails to make factual allegations that meet the grounds for appeal;
- There is evidence that demonstrates the grounds for appeal have not been met, e.g., if there were circumstances that the Exam Board was unaware of but, on investigation, it is evident that those circumstances had been considered by the Board.
- There is no evidence that supports the grounds for appeal;

Admissible appeals will be considered further to establish if they can be processed without an Appeals Panel Hearing. The role of the Appeals Panel is to act as the finder of fact in cases that are admissible and where there are disputed issues that would have a material effect on the outcome of a case. For example, if there is conflicting testimony regarding an issue, an Appeals Panel may be convened to ascertain the truth of the matter. In practice, most cases can be decided without the need for an Appeals Panel. If there are disputed issues that would have a material impact on the outcome of the case, the Investigating Officer may proceed without convening an Appeals Panel, if it is clear that the appeal should be upheld (i.e. a decision should be made in the student's favour) because all parties consulted are in agreement, the student will be notified in writing.

Appeals Panel Hearings

If it has been decided that an appeal is admissible and is to be considered at a hearing, the investigating officer and/or other members of staff independent to the processes under scrutiny will first prepare a detailed report on the nature of the appeal, the evidence and the outcomes available under the relevant regulations. A date for the hearing will be set, and a letter confirming the date and time of the hearing will be sent to the student's college email account a minimum of 7 days in advance of the hearing. A copy of the report and any other information being sent to members of the Appeals Panel will be sent to the student's college email account.

The Appeals Panel

The composition of the Appeals Panel will be as follows:

- A BIMM Institute Director or College Principal (or nominee)
- Two academic members of staff who have not been involved in teaching the student
- A student – usually one of the Student Representatives for the course on which the complainant is studying.

Before the Hearing

Students should respond to the email from the Institute immediately if:

- They do not intend to be present at the hearing;
- They wish for a friend to accompany them and, if so, whether they wish for them to answer questions from the Panel on their behalf;
- They have any special needs (e.g. due to a disability).

If the student intends to be accompanied, they should let the Institute know the name of that person at least one working day before the hearing. It is the student's responsibility to ensure that their friend has copies of any papers and is aware of the date, time and location of the hearing, as the Institute will not contact them on a student's behalf. The student cannot be accompanied by legal representation or any other individual from an external organisation.

If the student does not intend to attend the hearing, they may submit written comments in response to the papers sent to them. Such comments must be received at least four days before the hearing.

If any of the papers sent to the student is unclear, they should respond to the email inviting them to the hearing or contact the Head of Student Services.

What Happens at the Hearing?

The Panel members will read the same paperwork, which was sent to the student, before the hearing. The procedure at the hearing is as follows:

- The student (and, if applicable, a friend) will be invited to join the Panel, who will introduce themselves.
- Where witnesses are to be heard, they will not initially be asked to join the panel and will only be present for the duration of their own evidence;
- The student will be invited to make a statement, either to highlight particular points made in their written appeal or to add further comments in light of the documentation.

The Panel members may ask questions about the evidence or the circumstances of the student's appeal:

- The student's friend (if applicable) will be asked whether they wish to make an additional statement on the student's behalf;
- If applicable, witnesses will be invited to answer questions from the panel.
- The student (and, if applicable, their friend) will be asked to leave the room and to wait while the Panel considers the evidence and the discussion(s) with them.
- The student will be invited to re-join the Panel so they can be advised of the decision.

Panels are expected to reach a decision on the day of the hearing. If, extraordinarily, this is not possible, the hearing may have to be adjourned while additional information is sought and shared with the Panel and the student.

The decision will subsequently be confirmed in writing within seven working days of the hearing, and this outcome will be summarised in an outcome letter.

Internal Review

If the student is dissatisfied with the outcome, they are entitled to request an internal review of the decision.

This must be submitted to cap@bimm.co.uk within 21 days of receiving the outcome letter using the correct form.

The internal review process is available to:

- All students studying on courses leading to awards conferred by BIMM Institute
- Students studying on courses leading to awards by partner institutions who have made complaints of a non-academic nature

A receipt will be issued within 7 days and the Institute aims to complete the review within 28 days of receiving the appeal.

The Dean of Learning, Teaching & Research (DoLTR) will investigate the case in the first instance. In the event that the DoLTR has had prior involvement with the case, it may be considered by a member of the Executive Management Team. An Investigating Officer may also be appointed to carry out the investigation.

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 appeal which was not known to the investigators at the time the appeal was considered;
- There existed a procedural error in the Appeals process which could have led to a different outcome had the error not occurred;
- There is evidence of bias in the Appeals procedure which could have led to a different outcome have been different had the bias not occurred.

Requests for internal review should be accompanied with supporting evidence. It is the student's responsibility to supply all supporting evidence with their review application.

Outcome of review

The reviewer is able to offer the following outcomes:

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

In cases where there is doubt as to whether the case should be upheld or not the reviewer may refer the case to an appeals panel for consideration.

Awarding Institution Review

Awarding institution reviews are available to students who have made appeals of an academic nature studying on courses awarded by a partner institution.

If an academic appeal is not upheld by the Institute and the student remains dissatisfied, they may invoke the awarding institution's appeal procedures. A student must write to the awarding institution within 21 days of the notification of the outcome of the appeal by the Institute. There is no right of

appeal against the academic judgement of examiners. The awarding institution will ascertain if the correct process was observed. Once the process is finalised, the awarding institution will issue a Completion of Procedure letter.

Final Redress – Independent Review

Independent review is available to students studying on courses awarded by a UK provider, including those awarded by BIMM Institute or any of its UK partner institutions.

When all procedures investigating the appeal have been exhausted, the awarding university or the Institute will issue a Completion of Procedures letter. Where the student is not satisfied with the outcome of the procedure, they may request a review by the Office of the Independent Adjudicator (OIA). The OIA provides an independent scheme to enable the review of unresolved student complaints, including appeals. Students wishing to avail themselves of the opportunity of an independent review by the OIA must submit their application to the OIA within 1 year of the issue of the Completion of Procedures letter.

The student must submit an appeal to the OIA within one year of receiving the notification of the decision of the awarding institution. An appeal to the OIA is made by completing a Scheme application form. Copies of this form are available from Heads of Student Services.

The form can also be downloaded from [the OIA website](#) or requested by phone or post from:

OIA
Third Floor
Kings Reach
38 – 50 Kings Road
READING
RG1 3AA
0118 959 9813

Preferably use the online form, or alternatively email enquiries@oiahe.org.uk

Further Guidance & Frequently Asked Questions

Situations which cannot be appealed against include, but are not limited to the following scenarios:

- **Disagreement with feedback received on an assessment** - If feedback is unclear or is written in a way that a student doesn't understand, BIMM can arrange for additional feedback to be issued or arrange a tutorial with an appropriate member of staff to talk through the feedback. A student in such a situation should contact the Head of Education or Course Leader in their College.
- **Receiving lower marks than you have for similar types of assessment** - Past performance does not indicate how well a student met the learning outcomes for any subsequent assessments. The Institute has a rigorous system of moderation and external examination which ensures that judgments are consistent across students and markers.
- **If you want to appeal based on issues with personal finances, housing situation, visa, employment or other outside interests** - Students are expected to manage outside commitments with their study at the Institute. If students are experiencing issues, these must be brought to the attention of Student Services as soon as they occur, prior to undertaking an assessment. These may not be resolved by way of an appeal.
- **If your mark was in the borderline margin between two degree classifications, and you didn't receive the higher classification** - Students can only appeal if the Borderline Award Rules as outlined in the Academic Regulations have not been correctly applied. If they believe this to be the case, they should contact the Head of Education in their college, who will be able to advise them appropriately.
- **Situations where work not uploaded correctly to the assessment portal and was not marked, or I lost marks for missing elements** - It is the student's responsibility to ensure that files are uploaded correctly and work fully; technical error and human error are not valid circumstances upon which an appeal could be based. For this reason, it is advisable to upload assessments in advance of deadlines so that any issues that may arise can be resolved. Internet connection issues can cause file corruption when uploading, so it is advised that you download the files you uploaded to ensure they work correctly before submitting. The IT department at the Institute tracks all system outages with Institute services so, if such an outage occurs and affects a student's assessment, the Institute will be proactive in fixing the problem and providing reasonable adjustments for assessments affected.

Regarding Mitigating Circumstances

(see also the 'Provisions for Exceptional Circumstances' section of the BIMM Institute Academic Regulations)

A student **cannot** receive an adjusted grade or a remark for mitigating circumstances. If they successfully fulfil the criteria for appealing on grounds of mitigating circumstances, the only outcomes available are:

- A capped re-sit
- An uncapped re-sit
- Removal of late penalties.

The outcome received will depend on the individual circumstances.

BIMM cannot take mitigating circumstances into account when making decisions based on academic elements. For example, progression decisions are based solely on the credit achieved at each stage and we cannot take mitigation into account. As a result, students cannot appeal such decisions based on mitigating circumstances.