

ESO (BNU Registered Students) Complaints Policy

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1.0 Introduction

What is a complaint?

You may decide to make a complaint if you think the service you have received is unsatisfactory in some way and you want it to be investigated. The University/BCNO will deal with such matters in a fair and timely manner, keep you updated with the progress of the investigation, and write to you with the outcome.

Making a complaint will not disadvantage you as a student.

What can I complain about?

You can complain about your experience as a student including:

- Failure by the University to meet obligations including those outlined in course/student handbooks, or the Learning Partnership Agreement.
- Misleading or incorrect information in prospectuses or promotional material and other information provided by the University/BCNO
- Concerns about the delivery of a programme, teaching, or administration
- Poor quality of facilities, learning resources or services provided by the University/BCNO
- If you feel you have been bullied, harassed, or discriminated against

What can't I complain about?

- There are some things you can't complain about using these procedures:
- The process or results of the assessment of academic work – instead use the Academic Appeals Policy
- Concern or dissatisfaction about a decision made under another regulation, such as the Academic Misconduct, Student Code of Conduct or Fitness to Practise procedures
- Accusing another student of misconduct (not academic misconduct) – in that case the allegation will be dealt with under the Student Code of Conduct procedures.
- If an employee of BCNO is accused of misconduct – in that case the allegation will be dealt with under the Disciplinary procedures.
- If after reading this document you are still unsure about what to do, please contact the Quality team at quality@bcnogroup.ac.uk

General Principles

These guidelines are primarily aimed at helping students to understand the process. The guidelines have been produced in the spirit of the Learning Partnership Agreement. See the end of this document for further definitions and information.

1. All complaints will be treated as confidential and will be handled with sensitivity by the Resolution team or BNU/BCNO employees involved at every stage of the process.
2. All BNU enrolled students have the right to complain to the University and to have their complaint taken seriously.
3. If other University procedures are in use at the same time as a complaint is submitted the investigation will continue, unless there are good reasons for one of the procedures to be put on hold pending the outcome of a matter.
4. A student who has recently interrupted, or withdrawn from the University/BCNO, or completed their studies, is entitled to submit a complaint, providing it is received within three months of their recorded last date of engagement.
5. Evidence submitted as part of one procedure will be deemed to be available to be used in other procedures as appropriate.
6. The University/BCNO has the right to consider a complaint under another procedure if it is deemed to be more appropriate to do so. Reasons for this will be noted and communicated to the student at the earliest opportunity.
7. Complaints which cannot be resolved at the Early Resolution stage and progress to the Formal stage will be dealt with under the partner's complaint process. Students that remain dissatisfied at the conclusion of the partner process can engage with Stage 3- Review of the University process.
8. Prospective students (i.e., those at the application stage), cannot use these procedures and should refer to the Admissions Policy and Procedure.
9. Students who are considering making a complaint should seek the advice and guidance of Student Representatives, as some issues are better dealt with, at a Programme Committee level (or similar).
10. A group of students can use this procedure to make a collective complaint. However, the following criteria must be met before the complaint will be accepted:
 - One member of the group must be identified as the main contact for purposes of communication.
 - Each member of the group must submit their consent in writing and agree to abide by these regulations. They must include their full name and Student ID number.

- The University/BCNO will work on the assumption that any discussion or agreement with the main contact will be with the consent of the rest of the group and that no-one who has provided written authorisation has not been coerced into agreeing to the complaint or outcomes.

Note: if this option is taken, the main contact must accept or reject the outcome on behalf of the whole group.

- An individual student that has entered into a group complaint cannot then submit a complaint referring to the same issues raised in the group complaint.
11. Malicious or frivolous complaints will be rejected at the earliest stage, and written reasons will be given. Students found to have submitted such a complaint may be subject to disciplinary action.
 12. Students are encouraged to pursue any complaint themselves, however in some instances a complaint can be pursued by a third party, such as a parent or guardian. In such cases the following criteria must be met before the complaint will be accepted:
 - The student must provide written (email or letter) confirmation, including their full name and student ID number, giving their permission for a named person to act on their behalf, before the complaint will be considered.
 - In that case the complainant will be copied into all correspondence from BCNO, and BCNO will not accept any responsibility for the actions of the third party. The University will accept withdrawal of permission at later date, if made in writing by the student.
 13. Raising a complaint gives the University/BCNO permission to investigate the facts and to discuss the matter with appropriate people. Information submitted will remain confidential, as far as this is consistent with other party's right to know details of any allegations that are made against them. However, it should be noted that if a complaint names specific members of staff, those staff will be entitled to see the written complaint.
 14. Generally, complaints will be treated as being against BCNO and not against individual members of staff. Accordingly, any resolution will usually be offered by the institution rather than by an individual. However, where a complaint indicates inappropriate conduct by a member of staff, the complaint should be referred immediately to the Formal stage and the member of staff considering the complaint should consider whether the case falls under the Employee Disciplinary Procedure. In that case, the matter will also be referred to Human Resources.

15. Anonymous complaints will not be investigated.
16. A written record will be kept of all meetings and telephone calls and retained in a confidential file.
17. Every effort to work within the published timescales will be undertaken, however, where necessary timescales may be extended as long as all parties are updated on the progress of the investigation on a regular basis.

Note: If a complaint has elements relating to different areas of the institution, each area may have to undertake a separate investigation. This may lead to delays in the investigation being completed, although BCNO will always take steps to try to ensure this does not happen.

18. BCNO will be as transparent as possible in responding to a complaint. Requests for access to certain documents will be considered within the boundaries of the European General Data Protection Regulation (GDPR).
19. New evidence which is relevant to the original complaint may be submitted as it becomes available; however, this may increase the length of time taken to deal with the case.
20. Investigations into complaints will be carried out in a timely, objective, and thorough manner, and any judgment made will be on the basis of the evidence provided by all parties. Whenever possible an investigation will be carried out by a member of staff who is independent of the situation.
21. If legal action is pending, BCNO reserves the right to suspend internal investigations until such a time as the legal action is resolved.
22. Students may find it useful to seek initial, independent advice before proceeding with their complaint.
23. Complaints will not be rejected on the grounds of minor procedural errors on the part of the complainant. Examples of minor procedural errors may include (this list is not exhaustive):
 - Documents not being signed or dated (they should be returned for completion and then actioned)
 - Complaints being received out of time. The complainant should be asked to explain why they are out of time – if the explanation is reasonable, the complaint will be accepted
 - Minor discrepancies in factual data, such as dates, names etc. being incorrect.

2.0 Procedure

Stage 1 – Early resolution

24. Complainants should first raise concerns informally with staff at the point the concern arises, such as their Personal Tutor, the Course or Module Leader, or the Professional Services team.
25. This approach is generally more effective as it offers a quick solution and avoids the inevitable delays incurred in submitting and processing a formal complaint. The student should raise any concerns as soon as possible, and in any case within three months of the issue arising.
26. It is expected that at this stage the matter would be resolved quickly and may be done in a face-to-face discussion, or an email conversation.

Stage 2 – Formal

27. If there is no early resolution, or the student remains dissatisfied with the outcome of the early resolution stage, OR if the matters raised are particularly complex the student should submit their formal complaint in writing. Information and the relevant forms can be found at [Resolving problems | Buckinghamshire New University \(bucks.ac.uk\)](https://www.bucks.ac.uk). The form should be downloaded and sent to the Registry team at ESO unless the complaint is concerning the Registry team where it should then be sent to the Quality team.
28. Complaints must be submitted within three months of the issue arising, regardless of whether or not it is first considered under the Early Resolution stage.
29. It is important to include as much relevant information as possible and submit the form with supporting documentary evidence.
30. Anonymous complaints will not be accepted (see above)
31. BCNO will conduct an initial review of the complaint to confirm whether it can be accepted for investigation. If the complaint cannot be accepted, the student will be informed, with full reasons why, and advice on any further action they may take.
32. The key questions considered in the initial review will be:
 - Is this the appropriate procedure for the matter raised to be considered under?
 - Was early resolution attempted? If not, can it be referred back to that stage?
 - Is it clear what the complaint is about, and which areas of BCNO are involved?
 - Has appropriate evidence been provided?
 - What outcome is the student hoping for? Can that outcome be achieved?

- Is the complaint suitable for mediation?
- Should any additional assistance or support be provided to the student in taking this forward?
- If the complaint is accepted the BCNO team will refer the complaint to a Complaint Manager who has had no previous involvement in the subject matter of the complaint. A Complaint Manager will normally be a Head of Department, Programme Lead, or other senior employee of the institution.
- The Complaint Manager will appoint an Investigating Officer as soon as possible and within 72 hours. They will carry out an investigation into the complaint within the timelines prescribed below. The complaints team will offer advice and guidance on any aspect of the procedure as required. BCNO considers it to be of great importance that a thorough and unbiased investigation is carried out.
- If a complaint is sent directly to the Board or another member of the Senior Management Team, they will refer it to the Complaints team in the first instance.

The Investigation

33. The Investigating Officer will aim to contact the complainant within two working days from appointment to confirm the main issues detailed in the complaint and let them know the expected outcome date.
34. The Investigating Officer will undertake a thorough investigation into the matters raised in the complaint and compile a report setting out their findings and recommendations.
35. The Investigating Officer will aim to conclude the investigation within 20 working days of receiving the complaint, however this will depend on a number of factors, for example (this list is not exhaustive): the nature and circumstances of the complaint, the availability of resources and the availability of any members of staff or students who need to be interviewed.
36. The Investigating Officer must update the complainant regularly on progress, especially if there are any delays.
37. In certain circumstances, in order to facilitate the investigation, the Investigating Officer has the discretion to hold a meeting with the relevant parties including:
 - the complainant
 - any employee or student involved in the case Investigation meeting

38. The intention of holding a meeting is to give all parties a chance to air their views, and to clarify the salient points the complainant wishes to raise. The meeting should be conducted in as informal manner as possible. Although the complainant and respondent would always be encouraged to present their case in person, all parties can ask to be accompanied to the meeting by one other person for support; this may be a friend, colleague, or representative from the student association. Neither party can be accompanied by legal representation. It should be made clear that if either the complainant or respondent choose not to attend the meeting it will not prejudice the investigation; however, the outcome will be reliant on the evidence available
39. Normally the Investigating Officer will have prepared questions to ask the complainant at the meeting. The complainant will also be given an opportunity to provide additional information or evidence they feel is relevant to the case.
40. The Investigating Officer will make brief notes during the meeting (or may ask a note taker to attend). The notes are not intended to be a verbatim account of the meeting but are a summary of the key points discussed. They will be shared with the complainant to ensure there are no significant discrepancies. The notes will be held on file and forwarded to the Resolution team with the investigation report.
41. Recordings may be made during meetings, with the prior permission of all attendees.

Outcome of the investigation

42. Once the investigation is completed a report will be written. The completed investigation report must confirm whether the complaint is upheld (fully or partially), or is not upheld, with detailed reasons given to support the decision.
43. When appropriate, the report should also include details of any redress and/or remedial action which is being offered and recommendations for improvements in practice or regulations.
44. Each point raised by the complainant must be addressed individually and a detailed response made within the report. The report must also list details of the investigation, including any meetings held (either in person or by telephone) as well as all evidence considered as part of the investigation.
45. All parties to the complaint have the right to see any and all evidence pertinent to the matter. Some evidence may need to be redacted in certain circumstances to meet GDPR requirements.

46. On receipt of the investigation report the Complaint Manager will consider the case and make a decision whether or not to accept the findings. This decision must be communicated in writing to the BCNO Quality team within two working days of receipt of the report.
47. If an investigation has found evidence to indicate inappropriate conduct by a member of staff, the complainant will be informed that the matter will be referred to Human Resources under the Disciplinary Procedure.
48. The University will be responsible for making a formal response to the complainant, and this will be sent by email within five working days of receiving the written report and confirmation of the decision from the Complaint Manager. The response will include recommendations for resolution, which may include one or more of the following (this list is not exhaustive):
- That there is no case to answer and the matter should not be pursued; or that it should be pursued under another procedure.
 - That the complaint appears to have substance and is sufficiently serious to warrant an apology.
 - Another form of redress that can be offered to the student in writing.
 - That the matter is a disciplinary one in which case the matter should be referred under the relevant disciplinary procedure and the complaints procedures is discontinued. In that case the complainant will be updated but may not learn the outcome of the disciplinary procedure, due to data protection legislation.
 - That the complaint is frivolous, malicious, or vexatious in which case it will not be pursued, and a disciplinary allegation may be made against the student.
49. The outcome letter will also include information about the next stage of the complaints process. The student will be requested to confirm if they accept the proposed resolution and any related form of redress, within 10 days of the date of the outcome letter.
50. The student may confirm in writing they wish to accept the recommendations and the redress; in this case the formal complaints procedure is then closed. Alternatively, the student may confirm in writing they wish to decline to accept the proposed resolution and the redress. The student must then decide whether to pursue the matter, or not. If not, no further action is required. If they do wish to progress to the next stage, they should go to Stage 3 – Review (see below)

Note: This must be done within 10 days of receiving the outcome letter. If a response is not received from the student within 10 days, it will be assumed that the student has accepted the outcome, and no further action is required.

51. If the student does not respond at this stage a Completion of Procedures letter will be issued once the 10-day deadline has passed which states that the matter is closed, and that the complainant has not completed the University procedures in full.
52. If the Resolution team accepts the recommendation that the complaint is frivolous, malicious, or vexatious, an allegation may be made against the student under the Student Disciplinary Procedures which will then govern the case.

Redress

53. Redress is what is offered to the complainant if the investigation concludes that there should be a remedy offered to address the problems raised. Redress will fit the circumstances of the case and may include one or more of the following:
 - an apology from the University/BCNO
 - an opportunity to repeat the experience under better circumstances (not applicable to academic assessment process or results which constitute academic judgment)
 - the return of a proportion of tuition fees, or other financial compensation
 - the provision of a change to the organisation or nature of the University's service or facilities or regulations if found at fault
 - any other appropriate action
54. The Decision letter notifying the redress is kept on the student's personal file and is treated in accordance with the GDPR and the BCNO's/University Data Retention Policy. If a request for review (see below) is not received within 10 days then the decision letter constitutes the final stage of University's procedures.

Other outcomes

55. When a complaint is made about a named member of staff, the investigation will consider the evidence available, including interviews with all parties. If the investigation finds clear evidence of bad practice the matter will be referred to Human Resources. It should however be noted that the complaint investigation in no way implies any assumption of fault on the part of the employee.

Stage 3 – Review conducted by BNU

56. If a student is dissatisfied with the outcome of the formal stage they may be able to request a review. The review stage will not consider the case afresh or involve a further investigation and will not consider any new issues raised by the student.

57. Requests for review will only be accepted on the following grounds:

- The procedures during the formal stage were not followed properly
- The outcome was not reasonable given the circumstances presented
- New evidence, which was unable, for valid reasons, to be provided earlier in the process and which would have had a significant ('material') effect on the decisions

Note: Students should use the **Request for Review** form which will help them to identify their grounds for a review and provide associated guidance on the process. Completed forms should be submitted to the University ([Resolving problems | Buckinghamshire New University \(bucks.ac.uk\)](https://bucks.ac.uk)) within 10 working days of receiving notification of the outcome of the formal stage.

58. A Request for review will be allocated to an appropriate member of staff who has not been involved at any previous stage.

59. Reviewers will be asked to consider whether:

- the procedure was followed during the formal stage
- the outcome was reasonable in all circumstances
- new 'material' evidence has been provided
- valid reasons have been supplied by the student for not submitting such evidence during the formal stage

Note: It is expected that Reviews will be completed within 10 working days of receipt.

60. Where a Review identifies issues with the outcome of the case at the formal stage, the Review will be upheld, and the matter will be referred back to the formal stage for reconsideration. This decision will be communicated to the student in writing along with an explanation of the next steps in the process and the likely timeframe.

Note: Reconsideration of the case should be concluded as soon as possible. If a compelling case to overturn the decision is identified, appropriate action may be taken to ensure that the matter is resolved without further delay, i.e., without reconvening the original decision-making body.

61. Where a **Request for Review** is not accepted (because it did not correspond to one or more of the grounds in paragraph above) or is accepted and subsequently not upheld, this decision will be communicated to the student in writing by issuing a Completion of Procedures letter outlining the reasons for the decision.

Note: The Completion of Procedures letter will also advise the student about:

- Their right to further action through the Office of the Independent Adjudicator (OIA)
- The timescales for doing so
- Where and how to access support

Complaint to the Office of the Independent Adjudicator (OIA)

62. If a complainant is still unhappy with the outcome after all the University's internal procedures have been completed they may complain to the Office of the Independent Adjudicator for Higher Education (OIA).
63. Any complaint to the OIA must be submitted within 12 months of the Completion of Procedures letter being received by the student .
64. The OIA will not normally consider complaints which have not been considered by the University.

The Office of the Independent Adjudicator for Higher Education may be contacted at:

OIA – Second Floor
Abbey Wharf
57-75 Kings Road
Reading RG1 3AB

Tel: 0118 959 9813

Email: enquiries@oiahe.org

Website: www.oiahe.org.uk

Additional information

Rights of complainant and respondent

65. The student and respondent have the right to be accompanied at any meetings by a representative. Neither party can be accompanied by legal representation
66. At all stages of the procedure disabled students have a right to reasonable adjustments under the Equality Act 2010. Other students may be provided appropriate support depending on available resources.
67. A person who is the subject of a complaint has the right to be represented, to express their side of the matter to staff dealing with investigating the complaint, and see all evidence associated with the case.
68. Like the student who made the complaint, the respondent has the same right to request a review.

Mental health or disturbed behaviour

69. If a mental health difficulty or the disturbed behaviour of any person has a bearing on the nature of the complaint, the case is not normally considered under these procedures but under the BCNO's Fitness to Study procedures. The BCNO Student Welfare Officer can advise further on how discretion can be exercised in this regard.

Other conduct issues

70. BCNO/University has zero tolerance towards those whose behaviour is considered to be unacceptable and will take action to protect its staff.
71. BNU definition of unacceptable behaviour includes communicating with the institution in a malicious, vexatious, or aggressive manner for example:
 - Making frivolous complaints, or multiple complaints regarding the same subject
 - Acting in a threatening manner either verbally, through an e-mail or by letter
 - Making claims that are knowingly false or unfounded.
72. If the behaviour of a complainant is unacceptable BCNO will normally tell the complainant why their behaviour is considered unacceptable and give them an opportunity to amend it. If the behaviour continues, BCNO will take action.

73. Action that may be taken may include but is not limited to:
- Requesting contact in a particular form (for example letters only).
 - Requiring contact to take place with a named person.
 - Restricting telephone calls or emails to specified days and times.
 - Asking the complainant to appoint a representative to correspond with us.
 - Asking the complainant to enter into an agreement about their conduct.
74. Where a complainant continues to behave in a way considered to be unacceptable, the student may be referred under the University/BCNO disciplinary procedure and/or the institution will cease consideration of the case and issue a Completion of Procedures (CoP) letter.
75. Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, BCNO will consider reporting the matter to the Police or taking legal action.

Monitoring and reporting

76. The application of the procedures will be monitored, including protected characteristics, by the team, in accordance with University/BCNO's duty under Section 149 (Public Sector Equality Duty) of the Equality Act 2010, to ensure consistency of approach and compliance with relevant legislation.
77. On an annual basis a summary report of complaints received will be reported to the Board of Trustees, although the report will not include any personal details about the complainants (such as name, student number etc.).
78. Heads of Department and Programme Leads are responsible for monitoring actions taken in response to complaints in their areas and for applying lessons learned in their areas. The Senior Management Team will contact them at regular intervals throughout the year to ensure the recommendations made have been actioned.

Definitions

79. **Complaint:** means either an oral statement or note made to a BCNO employee at the informal stage, or a written notification on a Notification of formal complaint form at the formal stage.
80. **Days:** means working days which for the purposes of these procedures are Monday to Friday, other than bank holidays and days when BCNO is closed to students and employees.
81. **Respondent:** is any person who is the direct subject of a complaint and who has rights to be interviewed, see evidence, participate in meetings, be informed of the outcome and be appeal against it. It may also mean the person who is representing the University/BCNO area that is being complained about and who is responding on the University/BCNOs behalf.

Auditing

Policy Name:	ESO (BNU Registered Student) Complaints Policy		
Policy Owner:	BCNO Senior Management Team		
Policy Approver:	Academic Board		
Audience:	Students; Faculty; Staff;		
Storage Location:	Website, VLE		
Effective Date:	12.2023		
Review Date: <small>(Unless other revisions are required prior to this date)</small>	08.2024		
Version:	Approved version 1.2		
Equality Impact Assessment:	Are there any implications for a protected characteristic group as defined by the Equality Act 2010 in this policy?		
	<input type="checkbox"/> Positive Impact	<input type="checkbox"/> Negative Impact	<input checked="" type="checkbox"/> Neutral
Details:			
Version History	Date	Action	By
1.1	December 2023	Revision of policy title from BNU Student Complaints Policy.	Quality at request of BNU Partner & agreed by BCNO Principal

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Contact Us

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