

## Student Complaints Policy and Procedure

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***Please note that as a student of the Buckinghamshire New University and studying with the BCNO Group, your studies are subject to the policies and regulations of the University. In some cases the policies have been amended to make them specifically relevant to the BCNO Group and the requirements of the General Osteopathic Council. If you require further guidance, please contact the Quality Manager. ([quality@eso.ac.uk](mailto:quality@eso.ac.uk))***

### 1.0 Introduction

The procedures set out below can be used by students including current, recent graduates and recently withdrawn students to complain about any service the European School of Osteopathy (ESO) provides. BCNO aims to deal openly, fairly and effectively with any comment or complaint about services, and to offer an appropriate remedy to any student who is adversely affected by a service which fails to deliver to the ESO's standards.

The Student Complaints Procedure has been established with the aim, where possible, of resolving complaints informally through negotiation between those individuals who are immediately concerned with the matter and where appropriate their immediate line management. The ESO recognises, however, that some issues cannot be resolved by informal means and may require the intervention of third parties. The formal stages of the Student Complaints Policy (Stages 1 and 2) are, therefore, available to students should informal pursuit of a complaint prove unsatisfactory.

### 2.0 Underlying Principles

The underlying principles of the ESO Student Complaints Policy, which should be respected by all those involved in the procedure, are that:

- complaints will be treated seriously, fairly, as expeditiously as possible, in a consistent fashion, with sensitivity and with minimum stress to all parties concerned
- confidentiality will be respected throughout
- submission of a complaint will not lead to recrimination or affect academic progression provided it is made in good faith and is not malicious or vexatious

- there is a right for any decision to be subject to further reference to the Office of the Independent Adjudicator (OIA) where all internal and University stages have been exhausted
- the use of the Student Complaints Policy does not affect a student's right to pursue legal or government agency remedies outside the ESO
- nothing will appear on a student's academic record to indicate a complaint has been made.

### **3.0 Using this Policy**

Complaints may relate to (though not be limited to):

- the teaching and learning experience of the student, e.g. quality of teaching, teaching facilities, personal tutor support
- academic services, e.g. computing and library services
- administrative services, e.g. academic registry, finance office etc.

A complaint by a student will not normally be investigated if a period of three months has elapsed since the alleged action which is the basis of the complaint occurred, although the Academic Registry may exceptionally allow such a complaint to proceed providing there is good evidence to support the reason for the delay. Where complaints are received anonymously or from third parties, it will be at the discretion of the Academic Registry, in consultation with the Principal, to determine whether the complaint will be considered and, if so, how.

In all instances where a student is unsure as to how or where to raise their complaint, they should seek advice from the Student Welfare Officer or the Academic Registry.

The ESO Student Disciplinary Policy and Procedures covers general matters of misconduct. Complaints about student behaviour which constitutes a disciplinary offence will be dealt with under the Student Disciplinary Policy and Procedures rather than the Student Complaints Policy and Procedures.

It is anticipated that most complaints will be made by individual students. However, complaints from groups of students will be considered. The individuals within the group should confirm in writing their support for the complaint and identify one person who will act as spokesperson for the group and be the group's correspondent for the complaint.

Complaints made by a third party on behalf of a student will not normally be considered by the ESO. However, there are circumstances in which such a complaint will be considered (e.g. students with mental health issues) provided the representative is not a legal representative and provided we receive the explicit written consent of the student for the representative to act on their behalf.

Anonymous complaints will not be considered by the ESO since complaints require a full investigation to enable resolution and this is not possible with an anonymous complaint. In addition, there would be problems communicating the outcome of an anonymous complaint.

### **4.0 Using this Policy**

This policy and procedure should only be used for the purposes set out above. If your complaint relates to one of the following, then the procedures within the document/information shown below may or will apply.

- Dealing with disciplinary offences including complaints by students about the behaviour of other students: Code of Conduct for Students and Student Disciplinary Procedures
- Where it would be appropriate, student complaints about the behaviour of a member of staff may be referred for consideration under the ESO's Disciplinary (Policy and Procedures) at any stage during the process
- Appeals against the outcome of academic decisions (including those made by Buckinghamshire New University contact the ESO Academic Registry, who will be able to guide you to the right process
- Making disclosures in the public interest, i.e. the ESO Whistle-Blowing Policy
- Complaints relating to the Admissions process – the procedure within the ESO Admissions Policy applies

The ESO will not consider unsubstantiated complaints that it regards as vexatious or malicious.

If your complaint is not based on the grounds specified in this Policy or accompanied by appropriate supporting evidence, the ESO will inform you that no action will be taken. You will receive a Completion of Procedures Letter and you may pursue the matter further with our University partner or the Office of the Independent Adjudicator for Higher Education. If you are unsure as to whether your complaint falls within this policy, then do speak to the ESO Academic Registry in advance. Also, the Student Welfare Officer can provide advice on submitting a complaint and/or if you have a particularly sensitive issue to raise. In all cases you are strongly encouraged to seek impartial advice concerning your complaint.

## **5.0 Preparing your complaint**

Think carefully about what your complaint involves – what you want to say, what evidence you have and what impact the issue has had on you. Also, consider what you think the outcome of your complaint should be.

If the complaint involves a group of students all affected by the same set of circumstances, then it may be sensible to make a collective complaint through a single spokesperson. In such circumstances the spokesperson must always express the views of the group and relay and copy all correspondence to the group. When following the Informal stage then make sure that the member of staff you will be discussing your complaint with is aware of all the parties involved in the collective complaint. If you are following the Formal stage, then each student must provide their name and contact details on the Formal Complaint Form.

The ESO will endeavour to make sure that knowledge of your complaint is limited to only those staff that need to know in order to be involved in the complaints process and that they treat the information in confidence. Please would you also apply a similar degree of confidentiality – we encourage you to seek impartial advice but be mindful of not talking more widely about your complaint than is necessary.

It is important that your complaint is submitted in a timely fashion. The longer the delay, the less likely it is that the ESO will be able to properly investigate your complaint. We ask that all complaints are submitted within three months of the issue occurring unless there are exceptional reasons.

## **6.0 Informal Procedure: local resolution**

Students should try to resolve matters of concern informally first through approaches to appropriate personnel such as Tutors or Heads of Department. In many instances, these people will be best placed to respond to the complaint and to resolve it quickly and effectively. If the complaint is not satisfactorily resolved after this discussion, the student has the right to address the issue through the formal stages of the process.

The relevant staff member involved in the informal procedure will record the actions taken to consider and resolve the concern, the decision reached, and brief details of what was communicated to the student, and when. This information can then be made available to those dealing with any formal complaint should the student decide to make one.

## **7.0 Formal Procedure: Stage 1**

The Formal Procedure: Stage 1 is used where a student is dissatisfied with the outcome of the informal procedure, or where informal procedures are not suitable due to the nature, complexity or seriousness of the case.

The formal stages begin when a student makes a complaint in writing by completing the published Student Complaint Form (see Appendix 1). Subject to Section 4 above, the completed form, together with any written evidence, should be sent to the Academic Registry within 20 working days of the occurrence of the matters which relate to the complaint. Written evidence may include independent medical evidence, reports by professionals, financial information or witness statements.

The Academic Registry will log the complaint and issue an acknowledgement of receipt to the student and forward the form and any written evidence to the appropriate Head of Department.

An investigation into the matters complained of will be undertaken promptly by the Head of Department, or by a person nominated to act on their behalf as an independent investigator. In the interests of transparency, the student will be informed who will be investigating their complaint. In order to investigate the complaint, the independent investigator may need to request further information from the student and so may ask to meet with him or her.

The Head of Department will provide a written response to the parties involved within 10 working days of the completion of any investigation, which itself should be completed no later than 20 working days after the receipt of the completed complaint form. If it is not possible to complete the investigation within this time period, the student will be advised in writing of the reasons for the delay together with a deadline by which it is expected that the investigation will be completed. Following completion of the investigation, the written response sent to the student will outline the process followed, the information gathered, the conclusions drawn and any remedies proposed. If the complaint is not upheld, the letter will explain why there are no grounds to take the matter further and that no action will be taken. The written response will be accompanied by copies of the information considered and a copy of the investigation report.

A record will be kept by the Academic Registry of all formal complaints received and a copy of each written response of the Head of Department will be forwarded to the Academic Registry on the same day that it is issued to the student. No records will be held on the student's file.

If the student is satisfied with the written response of the Head of Department, the complaint is deemed to be resolved. If the student is not satisfied with the written response he/she may refer the matter to Stage 2 of the Student Complaints Policy and Procedures. The student will be given information on how to proceed to Stage 2 of the Procedures, the deadline for doing so and where to access support within the written response from the Head of Department referred to above.

## **8.0 Formal Procedure: Stage 2**

The Formal Procedure: Stage 2 is where the student can appeal within the ESO for a review of either the process of the formal complaint to ensure that appropriate procedures were followed or the decision on the basis that it was perceived to be unreasonable.

In order to invoke Stage 2 of the formal Student Complaints Policy and Procedures, the student must complete the published Student Complaint Appeal Form (see Appendix 2). The completed form together with any written evidence should be sent to the Academic Registrar within 15 working days of the date of the Stage 1 outcome letter, clearly outlining the reasons for taking matters to Stage 2.

Within 15 working days from receipt of the Student Complaint Appeal Form, the Academic Registrar will review the complaint and the associated evidence. Further evidence may be requested at this stage. The outcome of the review will find either:

- that there are no grounds for taking the matter further - if this is the case, the Academic Registrar will advise the student accordingly in writing; **or**
- that there are grounds for consideration and further investigation, where appropriate - if this is the case, a Student Complaints Panel will be convened in a timely manner by the Academic Registrar to hear the complaint.

If the complaint relates to the Academic Registry, the Academic Registrar will forward the complaint

to the Principal who will appoint another Head of Department who will undertake the Academic Registry's review. The Head of Department appointed will have no prior knowledge of or involvement with the student's complaint.

The membership of the Student Complaints Panel will consist of a Head of Department, who will Chair the hearing, and one member of staff from a different department to that of the Chair. None of the staff will have prior knowledge of or involvement with the student's complaint.

The student will be invited to attend the hearing and will be given adequate notice of both the date of the hearing and composition of the Panel. In addition, the student can expect to receive a copy of the information to be considered at the hearing. The proceedings and outcome of the hearing will be minuted by a member of staff from Academic Registry.

The student will have the right to be accompanied by a representative. The representative may be a friend or relative who is not acting in a legal capacity. The role of this person is to support and advise the student. Where appropriate, the representative may speak in support of the student. However, it is expected that the student will speak for himself or herself during the hearing.

The outcome of the hearing, including minutes of the hearing will be sent in writing to all parties within 20 working days of the hearing. If appropriate, an apology will be included together with details of any remedies proposed and deadlines for implementation of the same.

The decision of the Panel will be final and will be the end of our internal procedures.

## **9.0 Completion of Procedures**

The Stage 2 hearing forms the final stage of the ESO's Student Complaints Policy and Procedures and we will issue the student with a Completion of Procedures letter at this point.

If the student remains dissatisfied with the ESO's response, they have the right to refer the ESO's decision to Buckinghamshire New University in the case of students registered with this university.

The Completion of Procedures letter will provide the deadline the student has for lodging a complaint (namely 12 months from the date of being issued with the Completion of Procedures letter). The letter will also include information on where and how the student can access advice and support.

It should be noted that we will fully comply with any judgement made by the OIA where the complaint relates the ESO.

## **10.0 Remedies**

Remedies for complaints include, but are not limited to, an apology, a clear explanation of the events or context that led to the incident in question, or alterations to a process or to a service provided by the ESO. The ESO seeks to ensure that any remedies proposed are reasonable and appropriate to the nature and circumstances of the complaint.

## **11.0 Referrals**

The ESO reserves the right to refer complaints at any stage to an alternative means of resolution, including to a mediation process, if it is considered to be in the best interests of the timely and effective resolution of the complaint.

Exceptionally, with the agreement of the student and of staff concerned, complaints may be referred to one of the formal stages in the process omitting earlier informal or formal stages, if it is considered to be in the interests of the timely and effective resolution of the complaint. Such complaints might include those involving a threat of serious harm, those where the impact of the issues raised has detrimental consequences for the student’s mental health, those relating to disability support, issues of a highly sensitive nature etc.

## 12.0 Confidentiality

As stated earlier, we will deal with complaints on a confidential basis, but may need to disclose details of a complaint to other persons or organisations in order to investigate the complaint and seek an effective resolution. For example, we will need to inform any person named in a complaint of the substance of the complaint so that they can exercise their right to reply as part of the investigation. In addition, we may need to divulge information to meet GDPR requirements.

Where a student has made a complaint about another student or a member of staff, we will notify the student bringing the complaint of the outcome. However, it may not be appropriate for us to share specific details affecting the other student or staff member, particularly where disciplinary action is being taken.

It is equally important that the student bringing the complaint also respects the need for confidentiality throughout the complaints process. Where confidentiality is breached the Student Disciplinary Policy and Procedures may be invoked.

## 13.0 Confidentiality

Internal	External
Student Disciplinary Policy and Procedures	Buckingham New University: Student Code of Conduct

## 14.0 Monitoring and Review

The Academic Registry is responsible for preparing an annual report to the Academic Quality and Planning Committee and the Academic Board covering the operation of this procedure. Furthermore, the Academic Registry is responsible for monitoring the implementation of remedies agreed under this procedure.

## 15.0 Academic Appeals

Where the circumstances of a complaint are found to have impacted adversely on the academic performance of a student, a summary of the findings and their impact will be passed by the Academic Registrar to the Chair of the Assessment / Award Board who will act in line with the relevant University’s regulations.

## 16.0 Involvement of the police or solicitors

If, at any point, the subject of the complaint becomes part of a police investigation, the complaints process will be suspended until such time as the police have completed their process. If a student employs a solicitor to act on his/her behalf about an on-going complaint, the ESO will cease to deal with the complaint under its procedures

## 17.0 Key contacts

Name	Title	Email address	Site
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Jacqui White	Student Welfare Officer	<a href="mailto:Jacqui.White@bcnogroup.ac.uk">Jacqui.White@bcnogroup.ac.uk</a>	Boxley/Clinic
Dr Kerstin Rolfe	Principal	<a href="mailto:Kerstin.Rolfe@bcnogroup.ac.uk">Kerstin.Rolfe@bcnogroup.ac.uk</a>	London
Sam Koolmon	Quality Manager	<a href="mailto:Sam.koolmon@bcnogroup.ac.uk">Sam.koolmon@bcnogroup.ac.uk</a>	London
Registry	Academic registry	<a href="mailto:Academic.Registry@bcnogroup.ac.uk">Academic.Registry@bcnogroup.ac.uk</a>	Boxley

The ESO constantly seeks to improve its services. The Quality Team monitors the complaints received and the effectiveness of these procedures in addressing them.

## Appendix 1

Please contact us for assistance if you wish to receive this form in a different format.

### Formal Complaints Form

We suggest you read the note for guidance before you complete this form.

Title:	
Frist Name(s):	
Family Name:	
University ID Number:	
Year/Academic Stage:	
Address for Correspondence (inc. postcode):	
Daytime Phone:	
Email Address:	

### **YOUR COMPLAINT**

Please set out below the key points of your complaint

NB Your complaint must be summarised here even if you attach other documents		
What documented evidence do you have to support your complaint? Please give details		
Who did you approach to resolve your complaint informally? What action, if any, was taken to remedy your complaint/		
Name	Action Taken	Approximate Date
What prevented the complaint being resolved informally?		

Who else have you discussed this complaint with?
How do you propose that your complaint could be resolved to your satisfaction?
<p><b>Declaration</b></p> <p>I declare that the information given in this Formal Complaints Form is a true statement of the facts and that I would be willing, if required, to answer further questions related to it.</p> <p>I also agree (in accordance with the Data Protection Act) to this form being held on file by the Academic Registrar</p> <p><b>Signed:</b> .....</p> <p>Date: .....</p>

Completed form should be handed in or posted to the **Academic Registrar** where your form will be logged, and a receipt issued.

**Please ensure you keep a copy for your own records.**

**Appendix 2 : : Student Complaint Appeal Form**

Before completing this form, you should read the ESO’s Student Complaints Policy and Procedures. You must only use this form to appeal against the outcome of a formal complaint you have submitted to the ESO under Section 7 of our Student Complaints Policy and Procedure.

You must attach a copy of the letter issued by the ESO responding to your formal complaint and complete all sections of this form before we can consider your appeal.

Person Details			
First Name		Surname	
Student ID		Address	
Email			
Phone			
If relevant, which department is the subject of your complaint (i.e. Academic, Finance, Academic Registry, Student Services or Admissions)?			
If relevant, which student or staff member is the subject of your complaint?			
Please clearly outline the reasons for your appeal below and attach any separate information that you feel is relevant to your appeal.			
<b>Please explain why you are not satisfied with the response you have received to your formal complaint.</b>			
<b>What would you like the ESO to do to resolve your complaint? (i.e. what reasonable solution(s) are you looking for?)</b>			

**Your declaration and signature**

**I confirm that the information given on this form is true and correct and in submitting this form I understand that the ESO:**

- Will not accept complaints or appeals from third parties or anonymous sources.
- May need to share information with other persons or organisations as part of any investigation to resolve my complaint or appeal.
- Will deal with any complaint or appeal that it believes to be malicious and unfounded under the provisions of its Student Disciplinary Policy and Procedures.

**Signature**

**Date**

**Please send all of the documents/papers, including this form by email to**

**[Academic.Registry@bcnogroup.ac.uk](mailto:Academic.Registry@bcnogroup.ac.uk)**