office of the independent adjudicator

Professor Cliff Allan
Vice-Chancellor
Birmingham City University
City North Campus
Franchise Street, Perry Barr
BIRMINGHAM
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24 September 2013

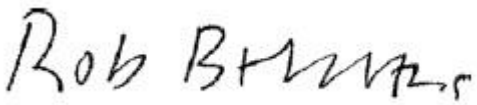
Dear Professor Allan,

Annual Letter

I enclose the OIA Annual Letter for your institution for 2012. This documents the University's record in handling complaints and appeals. Explanatory notes and relevant definitions are set out in Annexe 2. A copy of this letter will be published on the OIA website, together with letters to all other Scheme members, on 24 September 2013.

I hope this is helpful.

Yours sincerely,



Rob Behrens

Independent Adjudicator & Chief Executive

'for students in higher education'

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Annexe 1

STATISTICS

Birmingham City University		
Year	OIA Band	Number of students
2012	F	25280
2011	F	24850

Annual Complaints to the OIA[1]		
Year	Complaints received at the OIA	Complaints closed at the OIA[2]
2012	50	60
2011	58	47
Annual Change	Decreased by 8	Increased by 13

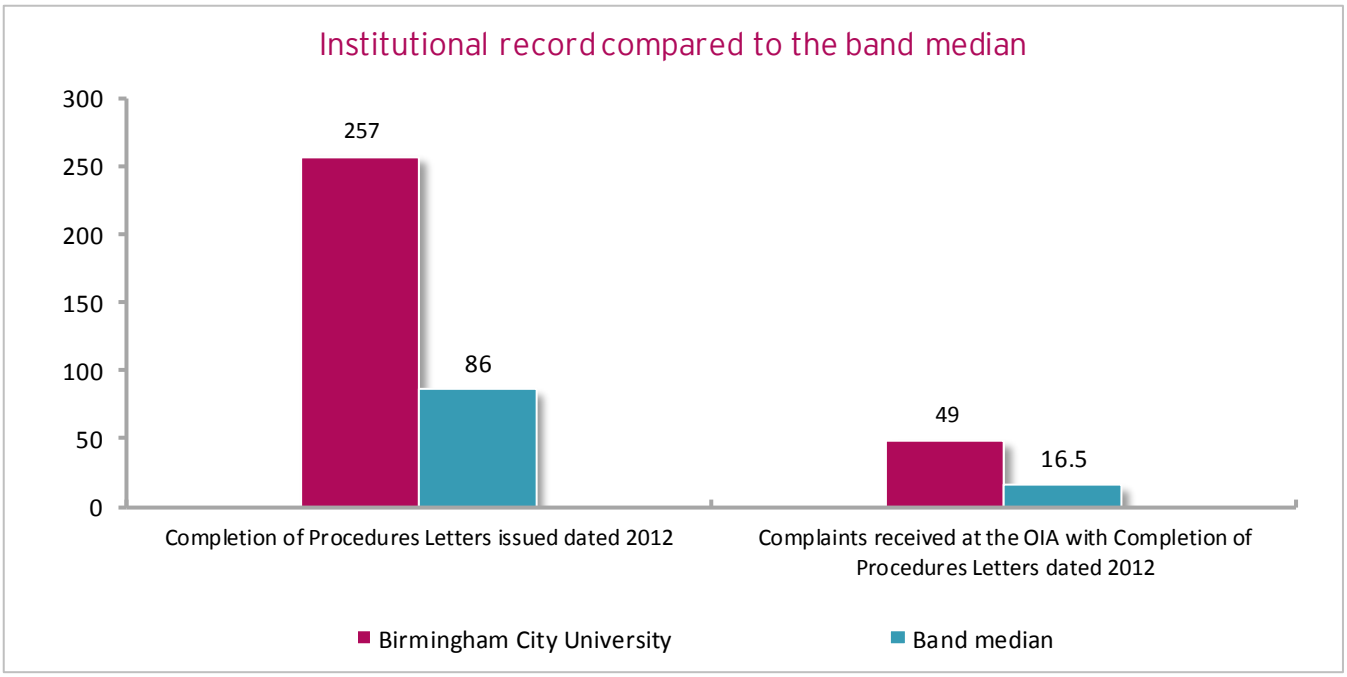
Completion of Procedures Letters issued dated	
2012	257
2011	348
Annual Change	Decreased by 91

Of these Completion of Procedures Letters issued the OIA received the following:

Complaints received at the OIA with Completion of Procedures Letters dated	
2012	49
2011	48
Annual Change	Increased by 1

Birmingham City University has informed the OIA that 257 students were issued with a Completion of Procedures Letter in 2012. To date the OIA has received 49 complaints from Birmingham City University students with Completion of Procedures Letters dated 2012. This means that about one in every five students who exhausted the formal internal complaints procedures during 2012 brought their complaint to the OIA. By way of comparison, the average proportion of complaints brought to the OIA from universities in the same band was one in every seven students who had complained. Charts 1 and 2 below give the comparison between the returns from Birmingham City University and the band medians.

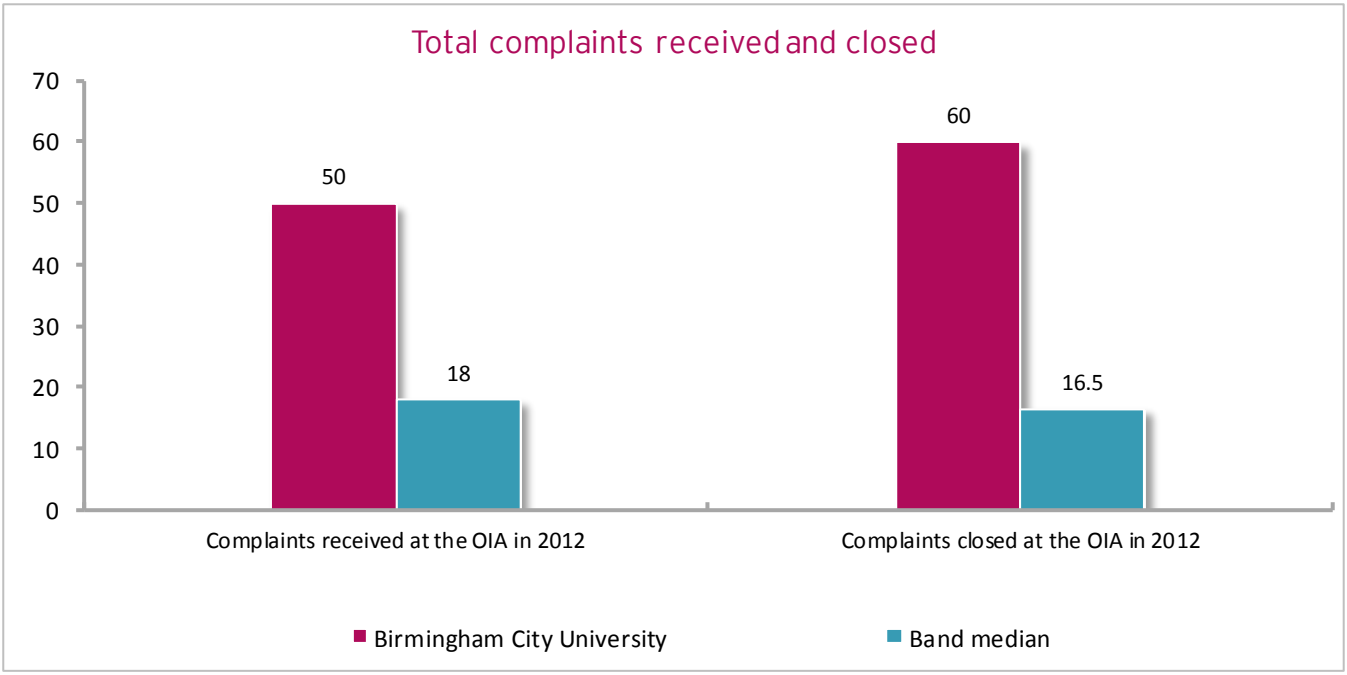
Chart 1



[1] The figures under headings "Complaints received at the OIA" and "Complaints received at the OIA with Completion of Procedures Letters dated [year]" may overlap. The figures under these headings should therefore not be added together.

[2] Some of the complaints might have been received in the previous year.

Chart 2



The OIA closed 60 complaints against Birmingham City University in 2012. Chart 3 below displays the outcome of the closed complaints and compares Birmingham City University figures to those of the band median.

Chart 3

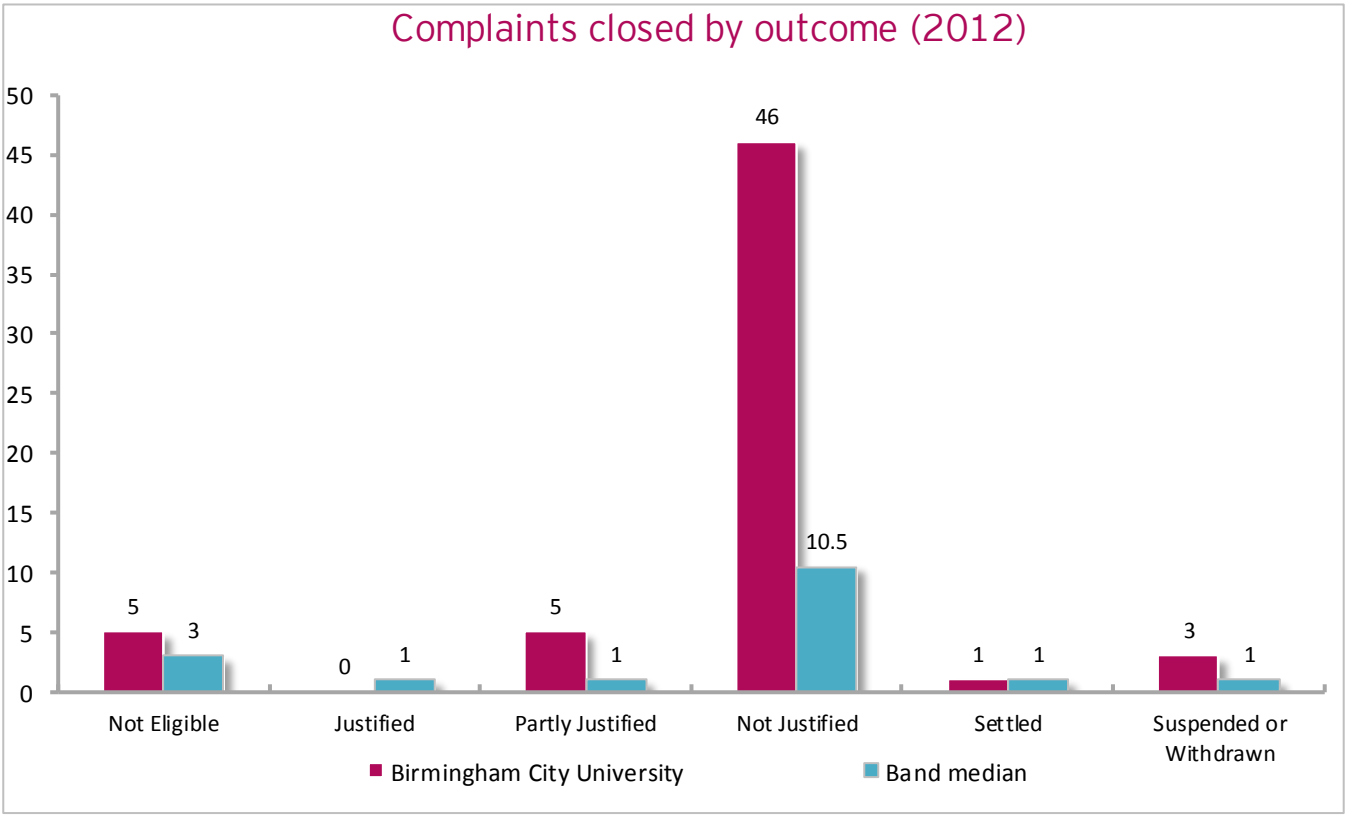


Chart 4 below breaks down the complaints about Birmingham City University closed in 2012 by subject matter of complaint. Chart 5 below illustrates the proportion of the total number of complaints about all universities closed by the OIA in 2012 attributable to subject matter of complaint. In both charts actual numbers of complaints are contained in brackets.

Complaints closed by subject matter (2012)

- Academic Status
- Academic misconduct, plagiarism and cheating
- Discrimination and Human Rights
- Welfare and Accommodation
- Admissions
- Services issues (Contract)
- Disciplinary matters (not academic)
- Financial
- Other

Chart 4

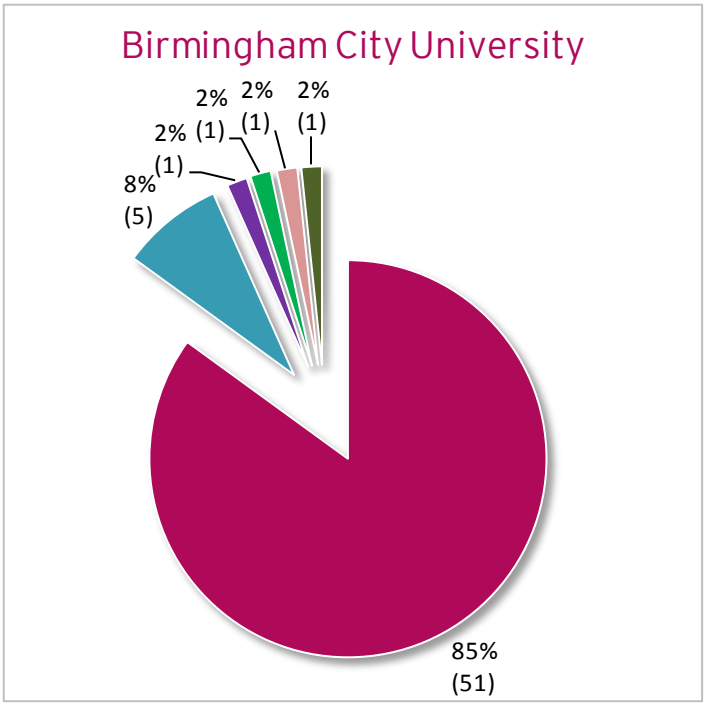
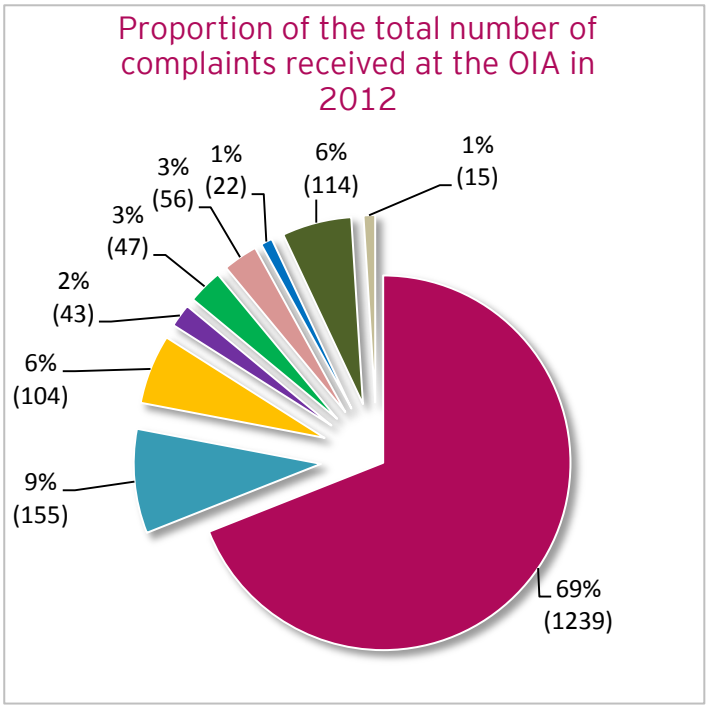


Chart 5



As set out above, a significant majority of eligible complaints closed in 2012 were found to be Not Justified. Case handlers have found the University's proactive approach to the settlement of cases helpful.

Following specific cases relating to the University's Fitness of Practice procedure the University has reviewed the procedure to provide greater clarity to students.

Annexe 2

Explanatory Notes

Note 1 Under Scheme Rule 4 the OIA has the discretion, exceptionally, to review complaints even where the internal complaints procedures have not been exhausted. For statistical purposes, we treat such complainants as having exhausted the relevant procedures.

Note 2 Student numbers were obtained from Higher Education Statistics Agency (HESA) – www.hesa.ac.uk. 2008/2009 HESA figures were used to assign universities to the relevant OIA subscription band in 2011 and 2009/2010 figures in 2012.

Note 3 The heading 'Complaints received at the OIA in 2012' includes all complaints where the OIA Complaint Form was received at the OIA during 2012. It also includes Not Eligible complaints. By contrast, 'Complaints received at the OIA with Completion of Procedures Letters dated 2012' includes only complaints received at the OIA with Completion of Procedures Letters dated 2012, whenever received. For example, a complaint may have been received in 2013 but with the Completion of Procedures Letter dated 2012. The example given also applies to 2011 statistics.

Note 4 In this exercise, bands G, H and I are merged for the purposes of calculating band averages for universities in those bands. This enabled the OIA to provide more meaningful contextual information where numbers of institutions in bands are small.

Note 5 The heading 'OIA Band' refers to OIA subscription bands which are as follows:

Institution size	Band
Fewer than 500 students	A
501 to 1,500 students	B
1,501 to 6,000 students	C
6,001 to 12,000 students	D
12,001 20,000 students	E
20,001 30,000 students	F
30,001 50,000 students	G
50,001 100,000 students	H
More than 100,000 students	I

DEFINITIONS

Completion of Procedures Letter – Once a student has exhausted the university's internal complaints or appeals procedures, the university must promptly send the student a Completion of Procedures Letter. In line with published Guidance, this letter should set out clearly what issues have been considered and the university's final decision. This letter directs the student to the OIA.

Justified/Partly Justified/Not Justified – At the end of the OIA review process we will decide whether a student's complaint about the university is Justified, Partly Justified or Not Justified.

Not Eligible complaint – This is a complaint that we cannot review under our Rules.

Settled complaint – Once a complaint is received by the OIA and the University has been notified, a complaint will be considered "settled" where the parties to the complaint reach an agreed outcome prior to the OIA issuing a Formal Decision.

Suspended complaint – A case may be suspended, normally at the request of a complainant, in exceptional circumstances e.g. bereavement or illness. Cases may also be suspended if there is on-going action taking place in another forum which could affect the outcome of the OIA's review e.g. secondary procedures taking place within the University.

University – For ease of reference, we use the word 'university' throughout the letter to include all institutions subscribing to the OIA Scheme.

Withdrawn complaint – A complaint will be considered "withdrawn" if a complainant requests that the OIA cease to review the complaint or in cases where the complainant fails to participate in the OIA's process.

CATEGORIES OF COMPLAINTS

Academic Status – complaints which are related to academic appeals, assessments, progression and grades.

Service Issues (contract) – complaints which are related to the course or teaching provision, facilities and supervision.

Disciplinary matters – complaints which are related to disciplinary proceedings for non-academic offences.

Academic Misconduct – complaints which are related to academic offences including plagiarism, collusion and examination offences.

Discrimination and Human Rights – complaints where the student claims there has been any form of discrimination, including harassment, and where he or she claims his or her Human Rights have been breached.

Financial – complaints relating to finance and funding: e.g. fees and fee status, bursaries and scholarships.

Welfare and Accommodation – complaints relating to support services, e.g. counselling, chaplaincy, assistance for international students, and university accommodation issues.

24 September 2013