



Complaints Policy

The Student Complaints Policy and Procedure is designed to give students the opportunity to express dissatisfaction about the standard of service provided to them by the Training Centre or the way in which the Training Centre has treated them. It gives students a mechanism to have their complaint heard, investigated and addressed.

The Student Complaints process set out in this document takes the form of a Policy and a Procedure. The Student Complaints Policy explains the principles for dealing with complaints. The Student Complaints Procedure sets out the process for dealing with a complaint.

The aims of this process are:

- To resolve complaints in a timely, effective and fair manner, and
- To resolve complaints as close as possible to the area in which they arise.

It comprises of three Stages:

- Stage 1 (Early Resolution Stage);
- Stage 2 (Formal Resolution Stage);
- Stage 3 (Formal Institutional Review and Final Resolution Stage).

Mediation/Conciliation can be proposed for consideration, by either party or by a Director's nominee, at any point during the Complaints process.

It is expected that the vast majority of complaints will be resolved through the Student Complaint process. Should any complaint not be resolved through this process, students are able to request that their complaint be independently reviewed by the Office of the Independent Adjudicator for Higher Education (OIA).

The Training Centre will seek to resolve complaints as quickly as possible. To this end, students must start at Stage 1 (Early Resolution Stage), unless there are truly exceptional circumstances which make it inappropriate to do so. In these circumstances the student should contact the Directors to discuss this.

A) Eligibility

The Student Complaints Policy and Procedure is available to students who are registered or enrolled on a Training Centre course.

- This Policy and Procedure only applies for students who wish to make a complaint about, for example:

- The quality and standards of service provided by the Training Centre, or other action by the Training Centre, or its staff or third party acting on behalf of the Training Centre (subject to Paragraph 4.2.4 below);
- Failure by the Training Centre or its staff to provide a service, or other lack of action by the Training Centre or its staff (subject to Paragraph 4.2.4 below);
- Unsuitable facilities or learning resources;
- Inappropriate behaviour or treatment by a staff member;
- Failure of the Training Centre to follow an appropriate administrative process;

Although the above list is not exhaustive, not every issue raised with the Training Centre can be categorised as a complaint. The following examples are not complaints and would not be eligible for consideration under this process:

- A concern or comment, which is informal and does not require any further action;
- An attempt to challenge an academic decision or to challenge an outcome determined under the Academic Appeal Regulations;
- To complain about the behaviour of a fellow student(s). Such matters should be brought to the attention of the Training Centre;
- If there is a substantive Training Centre regulation, procedure or code relating to any matter which may also be the subject of a complaint. In such circumstances, the Student Complaints Procedure may not be used to deal with that matter, and that matter may only be dealt with under the substantive Procedure. For example this process is not intended for appeals against the decisions of: Assessment Boards; Academic Misconduct Reviews; Extenuating Circumstances Review; (This list is not exhaustive). Separate procedures exist for these functions, and copies of the relevant regulations can be obtained from our accrediting university on the web at www.tees.ac.uk/policies;
- A routine, first-time request for a service;
- A request under the Freedom of Information Act;
- A request under the Data Protection Act;
- A request for information on Training Centre policy or practice;
- A response to an invitation to provide feedback or when feedback is given through the general web;
- Forms or surveys seeking feedback;
- An insurance claim;
- An attempt to have a complaint reconsidered when the Training Centre has already given its final decision and issued a 'Letter of Completion';

B) Timescales

The Training Centre expects a student who wishes to make a complaint to start at Stage 1 of the Student Complaints Procedure as soon as possible after the event. In any event, the matter must normally be raised with the Training Centre within 30 days of the incident which is the cause of the Complaint.

Complaints should be substantiated with evidence. This should normally be submitted with an Application. However, in exceptional circumstances the evidence should follow within 10 days. If no

subsequent support evidence is received the Training Centre will process the Application based on the available documentation.

Incomplete applications; applications that do not meet the criteria; or late-submissions, will normally be rejected. If a student submits a complaint late, they must enclose with their Application, a written explanation for the late submission. The decision on whether, exceptionally, to accept an Application will be at the discretion of the Directors. A student who is not happy with the decision of the Directors is entitled to submit a request for review as detailed in the Student Complaints Procedure.

This process is also available to former students who have submitted their formal complaint within 30 days of the notification of awards relating to the relevant programme of study

This process shall normally be completed within the timescales in this Policy and Procedure. There may be circumstances where the timescales cannot be met. When this happens the Training Centre will keep the student updated on progress. The Training Centre also expects students to meet the timescales when communicating with the Training Centre, unless there are exceptional circumstances beyond the reasonable control of the student.

Reference to timescales in this process relates to calendar days excluding the Christmas closure period of the Training Centre and statutory bank holidays.

C) Legal Proceedings

The Training Centre tries to resolve complaints through the Training Centre's internal processes. However, if a student chooses to start legal proceedings against the Training Centre, relevant to their complaint, any complaint, will be paused until those proceedings are completed. If the matters complained about are disposed of in those proceedings then the Training Centre may terminate consideration of that complaint and the student would be issued with a 'Letter of Completion'.

D) Simultaneous Applications

If a student submits a Formal Complaint at the same time as an Application under any other relevant Training Centre process, for example Academic Appeal Regulations, relating to the same set of circumstances, the complaint process will be stayed until the conclusion of the relevant process. In exceptional circumstances, a Director may ask the members of the relevant Panel to consider a complaint at the same time as the relevant issue.

Where consideration of the complaint is incorporated into the process for another process, the Panel, after consideration of these issues, may make a decision to resolve any issues associated with the complaint, sitting for this purpose as a Panel constituted under Stage 3 of this process.

Where, on receipt and subsequent investigation of a complaint, it appears to the Training Centre that the matter can, in the interest of the student, be better dealt with via another Training Centre process, it will be transferred to that process and the student will be informed of the transfer.

Where only a part of the matter raised in the complaint is transferred to the related process, the complaint will be put on hold pending the outcome of that process, or the Stage 3 Complaint Panel

may be asked to consider a complaint on the same occasion as consideration of an associated issue. The student will be made aware of the change in time limits for dealing with his/her complaint.

If, after any initial investigation, it appears to the Investigating Officer, that the complaint falls within the scope of any other Training Centre Regulation or Procedure, reclassification of the complaint will be discussed with the student, and the appropriate referral made.

E) Fair Treatment

No student submitting a complaint under this process, whether successfully or otherwise, will be treated less favourably by any member of staff or tutor. All staff and / or tutors involved in handling any stage of a complaint have a duty to ensure that any decision they make regarding assessment of academic work, or the way a student is treated, must not be influenced by the submission of complaint. If evidence to the contrary is found, the member of staff may be subject to action under the Training Centre's Staff Disciplinary Procedure.

Where a student, tutor or staff member believes that consideration of a complaint is likely to affect the relationship, all parties will be expected to continue that relationship in a professional manner. Only in exceptional circumstances will the relevant Director consider agreeing to a request for alternative working arrangements whilst the complaint is being investigated.

The relevant Director or Investigating Officer will keep the parties updated, as necessary, on the progress and outcome of a complaint.

F) Group Complaints

A group of students may use this process, but the group must identify, on their Student Complaint Form, one person as spokesperson and correspondent. Each member of the group must be able to demonstrate that he/she has been affected by the matter which is the subject of the application. All students must agree, in writing, to the spokesperson acting on his/her behalf. Students who have not associated themselves with the complaint, at the point of submission, will not normally be permitted, subsequently, to do so.

G) Third Party Complaints

Representation of a student under this process cannot be made by a third party unless written consent is received from the student allowing an individual to act on his/her behalf. This includes complaints submitted by a legal representative, parent, guardian, or spouse of the student. Where consent is provided to and accepted by the Training Centre, all communications relating to this process will be made through the nominated individual only.

H) Anonymous Complaints

A complaint will not be dealt with by the Training Centre if submitted anonymously. However, Officers of the Training Centre may need to take action if evidence is presented that a risk to the public exists.

I) Frivolous, Vexatious or Malicious Complaints

During the investigation of the complaint, if the Investigating Officer determines that the complaint is wholly without substance or merit, or is frivolous or vexatious or malicious, then the complaint will be referred to a Director.

The Investigating Officer will inform the student that this process is suspended and the likely duration of the suspension.

If the complaint is found to be wholly without substance or merit, frivolous, vexatious or malicious, the student's complaint will be closed and they will be issued with a 'Letter of Completion'. The Training Centre may consider invoking the Training Centre Student Disciplinary Regulations.

J) Access to Information

The Training Centre recognises that it has to balance its obligations to, and rights of, staff and / or tutors and the rights of students. As such, those whom complaints have been made about have a right to know what is being claimed and who is making a complaint. Where a complaint is made through this process, a copy of the complaint will be supplied to the member of staff who is being complained about by the relevant Investigating Officer or the member of staff's line manager, and that person has the right to respond to the complaint and to receive support and representation from a friend or Union representative.

K) Confidentiality

Information provided by students under this process will be handled in confidence, and released only to those members of staff who need it for the purposes of investigating and responding to the complaint. No third party will receive any information other than is necessary in order to obtain the information required. Breach of confidentiality may result in formal disciplinary action being taken through the Training Centre's Student or Staff Disciplinary Procedure.

A copy of the complaint or the substance of a complaint will be circulated to the individual(s) who are the subject of the complaint by the relevant Investigatory Officer. Students who object to disclosure of information about their complaint to others directly involved will be reminded by the Investigating Officer that it is not permissible to undertake an investigation involving a named individual without informing that individual, and that, consequently, it is not normally possible to resolve such a complaint without the participation of the relevant staff/students.

Any outcome of a Meeting/Hearing will be confidential until formal notification is sent to the parties.

The relevant Director or Investigating Officer is responsible for ensuring that any member of staff, who is the subject of a complaint, is informed of the outcome of the complaint.

L) Disciplinary Matters

If, at any time during the investigation of a complaint, it appears that the complaint raises allegations of misconduct which would be more appropriately dealt with under the Training Centre's Student Disciplinary Procedures, the Staff Disciplinary Procedures, or the Students' Union Disciplinary Procedures, the matters may be dealt with under such Disciplinary Regulations instead of the operation of this process.

Any decision to invoke Disciplinary Regulations as a result of a complaint will be taken after consultation with the Directors. If it is deemed appropriate to invoke Disciplinary Regulations, the investigation of all aspects of the complaint which relate to an individual will take place under the Disciplinary Regulations, and a Panel constituted under such Disciplinary Regulations may make recommendations to resolve any associated complaint, sitting for this purpose also as a Panel constituted under Stage 3 of this Procedure. The Disciplinary Panel will take into account all allegations against an individual which were identified in the complaint, thereby rendering those matters unacceptable as the grounds for consideration under the Student Complaints Policy and Procedure insofar as they relate to the individual. If a disciplinary allegation is severable from investigation of other aspects of a complaint, the Directors may agree to simultaneous operation of the Student Complaints Policy and Procedure and the Disciplinary Procedure.

The Student Complaints Procedure cannot be used as an attempt to challenge findings of fact and/or determination of issues by a Disciplinary Panel.

M) Timings of all Communications

This process shall normally be completed according to the timescales shown in this process. There may be circumstances when the timescales cannot be met. When this happens the Training Centre will keep the student and relevant members of staff updated. Likewise, the Training Centre expects students to meet the time limits in communicating with the Training Centre, unless there are exceptional circumstances, beyond the student's control, which prevent this.

For the purpose of this process written communication with a student and School/Department can be in paper or electronic format, for example email.

N) Expenses

In the event that a case is upheld during the formal process, the Training Centre will consider meeting reasonable and proportionate incidental expenses such as travel (within the UK), subsistence and accommodation costs where the Training Centre is satisfied that it was necessary for the student to incur such expenses. Expenses will not be met without the production of original copies of receipts to the Training Centre, and any monies will not be paid until conclusion of this process. Students are required to submit claims, in writing, to the Training Centre. Students who are in doubt should check in advance with the Training Centre, as to the acceptability of any expenses that he/she is proposing to incur. The decision on whether to meet incidental expenses will be made by the Directors and this decision will be final.

The student or member of staff will initially be responsible for paying the costs for his/her friend's attendance at any Meeting/Hearing, and third party costs will only be reimbursed subject to approval by the Directors.

O) Attendance at Meetings or Hearings

Students and the relevant member of staff are expected to attend all relevant Meetings/Hearings convened under this process.

If a student or member of staff does not attend a Meeting/Hearing, without providing a good reason for their non-attendance in advance, the Meeting/Hearing may proceed in their absence. If this happens, the complaint will be considered on the evidence available at the time.

If, for good reason, a student or member of staff is unable to attend a Meeting/Hearing, then they may request that the Meeting/Hearing is postponed until a later date, or request that a third party attend the Meeting/Hearing on their behalf. The decision on whether a Meeting/Hearing will be deferred will be made by the relevant Chair.

A student or member of staff also has the right to be accompanied to the Meeting/Hearing by a friend. The 'friend' is entitled to speak or act on the student's/member of staff's behalf.

If a student, or member of staff is accompanied at any Meeting/Hearing by a friend, it is their responsibility to provide all relevant notices, communications, and documents to their friend.

The student, or member of staff, must provide the name of the representative to the relevant Chair of the Meeting/Hearing 5 days prior to any Meeting/Hearing.

P) Behaviour at Meetings/Hearings

All participants are expected to behave in an orderly and non-confrontational manner. If the appropriate Chair believes it necessary, they may adjourn proceedings if, in their opinion, progress of the Meeting/Hearing is being hampered.

Q) Location of Meetings/Hearings

Any Meeting/Hearing will normally be held at the Training Centre's offices at Crow Trees, Bradford. Students and staff / tutors based in other locations may participate in Meetings/Hearings via electronic communication, for example Skype. Students and Staff who wish to use electronic communication to attend a Meeting/Hearing must inform the Training Centre prior to the Meeting/Hearing.

R) Recording of Proceedings

The audio recording of Meetings/Hearings held under this process is prohibited subject to such reasonable adjustments as may be agreed by the Training Centre where required under the Equality Act 2010.

S) Monitoring and Evaluation

A record of all complaints should be kept by service providers in a secure central location within the Training Centre.

Where a complaint has been made directly to a Director and is being investigated under Stage 2, the Investigating Officer must immediately provide a copy of the complaint to the Training Centre for monitoring and review.

Each Director will review regularly all complaints received since the last annual review, and will use his/her reasonable endeavours to take such action as may be necessary to resolve any apparently persistent, and potentially avoidable, causes of complaint.

Each Director will, at the end of an academic year, provide the Training Centre with a report on Early Resolution Complaints dealt with during the past academic year.

Once a year, the Training Centre's Academic Quality and Standards Policy Committee and the Academic Board will complete a written report. That report shall provide statistical data, identify any trends or wider issues and make any observations and/or recommendations that may assist the Training Centre to further good practice in the management of the this process.

T) Mediation/Conciliation

Mediation/Conciliation can be proposed for consideration, by either party or by a Directors, at any point during the Complaints process.

If the dispute resolves through this process, then an agreement between the parties will be put in writing to form a binding agreement as a full and final settlement to the complaint.

Student Complaints Procedure

A) Introduction

The Student Complaints Procedure is intended to be read in conjunction with the Training Centre's Student Complaints Policy. The Student Complaints Policy explains the principles for dealing with Complaints and the Procedure explains the process.

The Student Complaints Policy and Procedure is designed to give students the opportunity to express dissatisfaction about the standard of service provided to them by the Training Centre or the way in which the Training Centre has treated them. It gives students a mechanism to have their complaint heard, investigated and addressed.

The aims of this process are:

- To resolve complaints in a timely, effective and fair manner, and
- To resolve complaints as close as possible to the area in which they arise.

The Training Centre's Student Complaints Procedure is intended to provide a timely and effective process with a focus on resolution and fair treatment. It comprises of three Stages:

- Stage 1: Early Resolution Stage is the stage where straightforward concerns should be resolved swiftly and effectively at the point at which a complaint is made, or as close to that point as possible.
- Stage 2: The Formal Stage is appropriate where a student is dissatisfied with the outcome of the resolution attempted at Stage 1 or where early resolution is not possible or appropriate due to the complexity or seriousness of the case.
- Stage 3: The Review Stage is where the student can appeal to a higher body within the Training Centre for a review of the process to ensure that appropriate procedures were followed and that the decision was reasonable.

Mediation/Conciliation can be proposed for consideration, by either party or by the Directors, at any point during the Complaints process.

It is expected that the vast majority of complaints will be resolved through the Student Complaint process. Should any complaint not be resolved through this process, students are able to request that their complaint be independently reviewed by the Office of the Independent Adjudicator for Higher Education (OIA).

The Training Centre will seek to resolve complaints as quickly as possible. To this end, students must normally start at Stage 1 (Early Resolution Stage).

B) Stage 1 – Early Resolution Stage

Students are encouraged to raise complaints as soon as they become aware of the problem. Stage 1 Complaints may be made in person, by email, in writing or by phone. The purpose of this stage is to attempt to resolve the matter as quickly as possible.

Where a Stage 1 complaint is made, the Investigating Officer will consider the following:

- What specifically is the complaint about and which area(s) of the Training Centre are involved?;
- What outcome is the Complainant hoping to achieve?;
- Is the complaint straightforward and likely to be resolved or responded to after appropriate investigation or by using an existing Training Centre policy?;
- Is there another member of staff who can resolve the complaint more effectively than I can?;
- Are there any sources of assistance or support that the student can be directed towards?;
- Is mediation/conciliation appropriate in this case?;

Early Resolution may be achieved by providing an on the spot explanation of why the incident or problem occurred and/or an apology, as appropriate, along with an explanation of what will be done to stop a recurrence.

If responsibility for the incident or problem being complained about lies in the staff member or tutor's area of work, every effort will be made to resolve the problem at the source. If responsibility lies elsewhere, the staff member or tutor receiving the complaint will liaise with the relevant area in an attempt to resolve the problem for the student. If the staff member is not able to resolve or respond to the complaint themselves, they will identify who can progress the Complaint and the student will be informed.

Stage 1 will typically be completed with 30 days, though a resolution should be sought as quickly as possible. In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint. Where an extension is required the student will be kept informed.

The outcome of the Stage 1 Complaint should normally be communicated to the student verbally, by phone, and will normally be followed up in writing or by email. The response to the student will address all the key elements raised in the complaint and will explain the reasons for the determinations made, including any agreed resolutions. The student should be advised of their right to submit a Stage 2 Complaint and referred to the Procedure. The Stage 2 Complaint must normally be received within 10 days following the outcome of the Stage 1 process being communicated to the student, otherwise the complaint will be considered closed.

C) Stage 2 – Formal Resolution Stage

Complaints taken to Stage 2 will already have been considered at Stage 1 unless there are exceptional reasons why this was inappropriate. In these circumstances a student must make a clear case in their Application as to why they did not pursue their case via Stage 1.

The purpose of conducting an investigation at Stage 2 is to establish all of the facts relevant to the complaint and to provide a full, objective, and proportionate response.

A Stage 1 Complaint will be moved to Stage 2 when:

- Stage 1 has been attempted but the student remains dissatisfied following receipt of the Stage 1 outcome;
- The Training Centre believes that the problems raised by the student are complex, or the implications are significant and require detailed investigation.

If a student remains dissatisfied after Stage 1 and wishes to escalate the complaint within the Training Centre they must complete a Stage 2 Application Form. Students can get a Stage 2 Application Pack from the Training Centre's main office. The Stage 2 Complaint must normally be received within 10 days following the outcome of the Stage 1 process being communicated to the student, otherwise the complaint will be considered closed.

A student must normally be able to substantiate their case with evidence, and this should be submitted with their Application Form. The evidence should normally be the original and not a copy.

Where the Application is submitted to the Training Centre within the required timescales, it is expected that the supporting documentary evidence will be submitted at the same time. Where the submission of supporting documentary evidence is not possible, due to circumstances outside the student's control, the Application Form should be submitted prior to the deadline date together with a clear statement that evidence will follow, normally within 20 days. If no subsequent support evidence is received the Training Centre will process the Application based on the available documentation.

The Training Centre, on receipt of the Application, if necessary, will have the right to ask for further clarification and/or information from the student prior to referring the Application to the relevant Director for delegation to, if appropriate, an Investigating Officer. This Investigating Officer at this stage should not have been the same Investigating Officer appointed at the Early Resolution Stage,

Students are advised to retain a copy of their Application Form and supporting documentation. Documents supplied as part of the application process will not normally be returned. Where photocopies of documents are submitted, the student may be required to provide the Training Centre with sight of the original documents in order to verify their authenticity.

Receipt of the Application will normally be acknowledged by the Training Centre within 3 days of its receipt.

The Training Centre will send the Application to the appropriate area of the Training Centre where a member of staff will be responsible for investigating the Stage 2 Complaint.

The relevant Director is ultimately accountable for the outcome issued in Stage 2. However, another senior member of staff in the School/Department may be appointed to oversee the investigation and to write to the student with the Stage 2 outcome. The Investigating Officer will consider a number of key questions:

- What specifically is the complaint? What are the key elements?;
- Why was the student dissatisfied with the suggested resolution at Stage 1? Was any potential resolution offered?;
- What does the student seek to achieve by escalating the complaint to Stage 2?;
- Is mediation/conciliation appropriate in this case?

If the student's expectations appear to exceed the provisions of the Student Protocol in relation to what the Training Centre may reasonably provide, or are not within the Training Centre's power to provide, the student should be advised of this as soon as possible in order to manage their expectations about possible outcomes.

A response will be provided to the student typically no later than 27 days from the time that the complaint, and all associated documentation, was received for.

Not all investigations undertaken during Stage 2 will be able to meet the timescales. For example, some Stage 2 Complaints may be so complex that they will require careful consideration and detailed investigation beyond the timescale or there may be an agreement with the student that an Investigatory Meeting should be held. The Investigating Officer should inform the student and Training Centre if they believe there will be a delay in providing a response to the student. The Investigating Officer will keep the student updated on the progress of their complaint. If the student feels the outcome is being unreasonably delayed, s/he can write to the Training Centre as to why s/he feels this is the case. The Training Centre will consider whether and how the case may be expedited or recommend escalation to Stage 3 of the Procedure.

The outcome of Stage 2 will be communicated to the student in writing giving a clear explanation for the determination made on each key element of the complaint and any resolution to the complaint agreed. The student should be advised of their right to escalate the Stage 2 Complaint to Stage 3, the grounds on which this is permissible, the time limit for escalation, the appropriate procedure and the availability of support. Once the outcome has been issued, a record will be kept by the Training Centre detailing the decision reached. If the student does not escalate the complaint to Stage 3 within 7 days, the complaint will then be closed.

A copy of the formal response should be sent to Training Centre and any named individuals who are the subject of the complaint. If the student does not escalate their complaint to Stage 3 they will be issued with a 'Letter of Completion'.

D) Stage 3 – Formal Institutional Review and Final Resolution Stage

A student who is dissatisfied with the outcome of Stage 2 must submit a Stage 3 review within 7 days of the written outcome of the Stage 2 process being provided to them.

A student may request a review when:

- There is evidence of procedural irregularity or bias at Stage 2;
- The student considers the Stage 2 outcome is not wholly or partially resolved to their satisfaction;

If a student remains dissatisfied after Stage 2 and wishes to escalate the complaint within the Training Centre they must complete a Stage 3 Application Form. Students can get a Stage 3 Application Pack from the Training Centre.

A student must complete all sections of the Application Form as fully as possible, following the guidelines issued in the Stage 3 Application Pack.

The Training Centre, on receipt of the Application, if necessary, will have the right to ask for further clarification and/or information from the student prior to referring the Application to the Directors.

Students are advised to retain a copy of their Application Form and any supporting documentation. Documents supplied as part of the application process will not normally be returned. Where

photocopies of documents are submitted, the student may be required to provide the Training Centre with sight of the original documents in order to verify their authenticity.

Receipt of the Application will normally be acknowledged by the Training Centre within 3 days of its receipt.

The Training Centre will send the Stage 3 Application and other appropriate documentation to the Directors who will make a determination as to whether the case is suitable for considered at Stage 3. A copy will also be sent to the Investigating Officer at Stage 2 for their information.

Within 10 days of the receipt by the Directors (or within such longer period as may be reasonably necessary), the Directors will personally review the complaint and may either:

- Request further evidence from the student. This information should be provided to the Directors within 3 days and/or;
- Convene a meeting of the Complaints Panel or;
- Ask the parties if they would be willing to participate in mediation/conciliation if not previously used;
- Endorse the Stage 2 outcome and issue the student with a 'Letter of Completion' and the internal processes will be closed.

The decision of the Directors will be communicated to the student, Training Centre, and the Investigating Officer at Stage 2 in writing.

E) Procedure for a Stage 3 Complaints Panel

If the Directors agrees that a Complaints Panel is to be convened the following processes will be followed.

The Panel shall consist of three members who have had no prior involvement with the student, or previously participated in the case under consideration. A Panel will have the following membership:

- A Director (who shall Chair the Panel);
- One Training Centre tutor not related to the case.

The Panel may choose to conduct business if one member, due to exceptional circumstances, is unable to be present for any reason.

The Panel will have a secretary, who will attend in an advisory capacity.

F) The Process for a Hearing

On confirmation from the Directors to convene a Panel, the Training Centre will ask the relevant Director to provide their written observations relating to the complaint within 10 days. These observations will be included in the documentation provided to the Panel.

Meetings of the Panel will normally be held within 20 days from receipt of the information from the relevant Director. The student and the Training Centre representative will be advised by the Training Centre of the date and time of the Hearing.

It will not normally be possible for the date of the Hearing to be changed. This will only be done in exceptional circumstances, for example medical treatment. Holiday arrangements do not normally constitute a valid reason. Any requests for a change in the date of a Hearing must be submitted in writing to the Training Centre, and the decision to change any previously agreed arrangements will be taken by the Chair. Where a decision to re-arrange a Hearing has been refused, the student will be informed, in writing, of the refusal and, if necessary, the case will be considered in the absence of the student.

The student and Training Centre representatives and their friend will normally be allowed to be present throughout the whole of the Hearing except when the decision is being debated. If the Panel, in its absolute discretion, decides that the presence of anyone is not appropriate throughout the whole Hearing or during any specific part of it, the Chair shall use reasonable endeavours to ensure that such a person is given an adequate opportunity to present his/her case.

Both parties may call witnesses, and these witnesses may be accompanied by a friend. The witnesses will only be invited to attend the Hearing at the point their evidence is required, and are expected to leave the Hearing at the conclusion of their evidence. The parties, as well as the Panel, will have the opportunity to question the witnesses. It is the parties' responsibility to inform their witnesses of the date, time and venue of the Hearing and provide them with copies of appropriate documentation.

At least 5 days before the Hearing, the parties should confirm to the Training Centre who will be attending the Hearing.

In considering the case, the Panel may call any appropriate persons to give evidence. 5 days' notice of the Hearing should normally be given if it is expected that attendance of a member of staff may be required. The Training Centre will provide the member of staff with the appropriate documentation.

The papers to be considered by the Panel will be circulated to all parties prior to the Hearing. The presentation of any new documentation, by either party, will only be accepted in exceptional circumstances with agreement of the Chair. This may result in a suspension of proceedings to provide all parties with the opportunity to consider the new documentation.

During the Hearing:

- The Chair will outline the procedure of the Hearing to all parties;
- The Chair will ask the student and/or friend to present their case in support of their complaint including the presentation of any witnesses;
- Members of the Panel may ask questions of the student and/or friend and any witnesses;
- The Training Centre may ask for clarification on any representations made by the student and witnesses by addressing questions via the Chair;
- The Chair will ask the Training Centre representative(s) to present their case and any witnesses;
- Members of the Panel may ask questions of the Training Centre representative(s) and any witnesses;

- The student may ask for clarification on any representations made by the Training Centre and witnesses addressing questions via the Chair;
- The Chair will ask the student and/or friend and the Training Centre representative(s) to leave the Hearing;
- The Panel will consider the evidence in private and reach a decision in accordance with Paragraph 8.

The Panel may adjourn the Hearing at any time, for any reason, for such period as it, in its absolute discretion, thinks fit.

If it appears to the Panel that the complaint, or associated documentation, or oral evidence, raises allegations of misconduct this may lead to action under the relevant Staff Disciplinary Procedure.

In some circumstances, the Panel may find that the outcomes of the student's assessment may have been affected by the matters complained about. If this is the case, the Panel may refer these for consideration under the Academic Appeals Procedure.

G) Decision of the Stage 3 Complaints Panel

The Panel, after considering the submissions made by each party will, in private, reach a decision. The decision of the Panel will be by majority decision.

Within 7 days, the student will be issued with a 'Letter of Completion' concluding Stage 3. The outcome will include a clear explanation of the determinations made on the key elements within the complaint under review. The Training Centre will give an explanation of how any outcomes from the review are to be implemented. The 'Letter of Completion' issued will advise the student of the right to submit a complaint to the Office of the Independent Adjudicator (OIA) and the time limit for submission.

A copy of the letter to the student will also be sent to the relevant Director along with any other directive from the Panel regarding the conclusions reached.

Once a decision has been issued a record will be kept by the Training Centre detailing the outcome and the complaint will then be closed subject to further external escalation.

H) The Office of the Independent Adjudicator for Higher Education

At the conclusion of the Training Centre's internal processes connected with this process, the student shall be issued with a 'Letter of Completion' of internal proceedings in the manner prescribed by the Office of the Independent Adjudicator for Higher Education (OIA). A student who is of the opinion that his/her case is unresolved may apply to the OIA for reconsideration of the case under the rules of its scheme within three months of the issue of the 'Letter of Completion'. Information on the process may be obtained directly from the OIA at <http://www.oiahe.org.uk>.

Appendix 1

A) Mediation / Conciliation

The Training Centre can attempt to use mediation/conciliation to resolve student complaints promptly and effectively.

This process relies on the willingness of each party to resolve their issues and participate in the process. The parties must be prepared to explain their position, discuss their case in a calm and respectful manner, and to listen to what the other party has to say.

Mediation/conciliation will normally be undertaken by a member of Training Centre staff who will act as a Facilitator during this process. However, in some cases, an external consultant may be commissioned. The Facilitator's role is to clearly identify the problems, generate communication, try and search for common ground, and help the parties reach a solution. As such, the use of mediation/conciliation will require agreement and cooperation from all parties in the complaint.

In the first instance the Facilitator may wish to meet with each party separately. After which a joint meeting of the parties may take place. Therefore, the pace of the medication process will be set by the Facilitator.

This process is coordinated by the Training Centre. If a students or member of staff believe that a student complaint can be resolved using this process they should contact the Training Centre in the first instance, where specific information on the process is available.