

Student Complaints Procedure

Version:	4.0
Bodies consulted:	University of Essex University of East London Dean's Office Academic Governance and Quality Assurance Committee
Approved by:	Education and Training Committee
Date Approved:	25.09.2020
Lead Manager:	Strategic Projects Lead & Operations Director
Responsible Director:	Dean of Postgraduate Studies / Director of Education and Training
Date issued:	25.09.2020
Review date:	25.09.2021



Contents

–		
Student Complaints Procedure		4
1 Introduction		4
2 Raising a Complaint		5
Advice, Support and Guidance		6
3 Principles		7
Confidentiality		7
Managing unacceptable behaviour		7
4 Definitions		10
5 Eligibility and Scope		10
Who can make a complaint?		10
Concerns and Complaints by third parties		11
Collective concerns and complaints		11
Anonymous concerns and complaints		12
Placements		12
Complaints about Members of Staff		12
Representation for Staff		13
Reclassification and Suspension of Proceedings		13
6 Time Limits		13
7 Duties and responsibilities		14
8 The Complaints Procedure: Informal Resolution		15
9 The Complaints Procedure: Formal Complaint		17
What the Trust will do when it receives a Formal Complaint		19
Investigating the Complaint		20
Mediation		21
Resolving a Formal Complaint		22
10 The Complaints Procedure: Internal Review		23
What the Trust will do when it receives a request for an Internal Review		24
11 The Complaints Procedure: External Review		25
12 Training Requirements		26
13 Process for monitoring compliance with this Procedure		27
14 References		27
15 Associated documents		28
Appendix A : Equality Impact Assessment		29
Appendix B: List of Validated Courses		31

Appendix C: Process Maps.....	32
Appendix D: Formal Student Complaint Form	36
Appendix E: Student Complaint Form: Request for an Internal Review.....	39

Student Complaints Procedure

1 Introduction

- 1.1 The Tavistock and Portman NHS Foundation Trust (the Trust) is engaged in many activities of both an academic and non-academic nature. From time to time a student may feel dissatisfied with some aspect of their dealing with the Trust.
- 1.2 The Trust is committed to ensuring that those who study with it are readily able to access information about how to make a complaint and that the issues raised are dealt with promptly and fairly. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented.
- 1.3 This procedure will ensure a process that is:
 - fair and impartial
 - transparent and easy to access
 - flexible and timely, ensuring that concerns and complaints are dealt with as quickly as possible
 - clear, and communicates processes, decisions and the reasons behind decisions
 - ensuring that decisions are taken without actual or perceived conflicts of interest
 - ensuring an appropriate level of confidentiality
 - provides information on the support options available to students
 - using the information gathered to improve services for students and the student experience
 - expecting all involved to behave appropriately and not allowing our procedures to be misused
 - compliant with the Office of the Independent Adjudicator (OIA) requirements and the Quality Assurance Agency (QAA) expectations

2 Raising a Complaint

- 1.4 The Trust believes it is important that its students feel able to express dissatisfaction to which a response should reasonably be expected. The Trust provides many ways for students to provide feedback or express concerns that they may have. For example, through the tutorial system, through student representatives at course committees, and through course and Trust level questionnaires. Students are also able to discuss their concerns informally with a relevant person in the Trust, such as the Course Lead or their Personal Tutor.
- 1.5 Through this procedure, the Trust seeks to provide an accessible, fair and straightforward system which enables students to raise concerns and which ensures an effective, timely and appropriate response, where other means of providing feedback or expressing concerns have not provided the student with a satisfactory resolution.
- 1.6 Students wishing to raise a complaint should follow each stage of the complaint procedure and would not normally be permitted to skip a stage. These are:
 - 1.6.1 **Informal Resolution** (see section 8): a local, informal process where concerns are addressed as quickly as possible for the student. In all cases, students will be directed to the next stage of the procedure if they remain dissatisfied at the conclusion of the Informal Resolution stage.
 - 1.6.2 **Formal Complaint** (see section 9): if the complaint is very complex and/or serious, or if the student is not satisfied with the outcome of the Informal Resolution the Formal Complaint procedure will be followed. This will usually be investigated by a Complaint Investigator appointed by the Complaints Liaison Officer and may involve mediation and/or conciliation meetings.
 - 1.6.3 **Internal Review** (see section 10): when the student is not satisfied with the outcome of the Formal Complaint, the complaint may be reviewed by the Chief Executive Officer to see whether the procedure was followed, whether the outcome was reasonable, and whether there is any new material evidence. This stage will not normally require a reconsideration of the issues raised.

- 1.6.4 **External Review** (see section 11): where the student remains dissatisfied, they can submit a request for a review by the Office of the Independent Adjudicator (OIA) within twelve months of the date of the Completion of Procedures letter provided by the Trust. Only students on validated courses can request an external review. For a list of courses, see Appendix X.
- 1.7 The four stages in the complaints procedure are described in the diagram in Appendix C.
- 1.8 All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them, and normally within the timeframes outlined in this procedure. Students should be prepared to provide evidence to support their concerns or complaint and, where required, students should use the relevant Complaint Form available on the Trust website.
- 1.9 If a concern or complaint is made directly to the Chief Executive Officer, Dean of Postgraduate Studies/Director of Education & Training or any other senior member of staff at the Trust, it will be passed to the Dean's Office who will ensure that it is referred to the most appropriate person, in line with this procedure.

Advice, Support and Guidance

- 1.10 The Complaints Liaison Officer provides advice, support and guidance to students on the application of this procedure. This procedure is internal to the Trust and does not have the same degree of formality as a court of law. Complainants are permitted to be accompanied by representatives at any stage of the procedure. This will usually be a fellow student or employee of the Trust. It is not appropriate or necessary for a student to bring legal representation. The student may not normally bring anyone to a meeting that is not a member of the Trust unless this has been agreed as a reasonable adjustment under the Equality Act 2010.
- 1.11 If a student appears unable to engage effectively with the procedure, it may be necessary to suspend consideration of their concern or complaint until they have accessed appropriate support.

- 1.12 The Trust has a zero tolerance approach to sexual violence, harassment and hate crime. Students who believe they have been the subject of any type of harassment or bullying are encouraged to submit a complaint, and also to seek support via their Course Lead or personal tutor at the earliest opportunity.
- 1.13 Students may request reasonable adjustments to these procedures in line with their rights under the Equality Act 2010. Requests will be considered individually, and students will be notified of the adjustments that have been agreed in writing and at the earliest opportunity.

3 Principles

Confidentiality

- 3.1 Students may expect complaints to be dealt with confidentially and that their privacy will be respected. However, any person who is the subject of a complaint will be informed, and an appropriately redacted copy of the concern or complaint and any associated evidence will normally be copied to him/her/them in order that they are given the opportunity to respond. In dealing with the complaint, information may need to be shared with other people during the course of investigation, although the names and personal details will not be shared unless absolutely necessary and will be kept to a 'need to know' basis in line with Data Protection policies and procedures.
- 3.2 Where a concern or complaint has been raised against a member of staff or student and has been upheld, the student will be advised of this. However, specific details regarding any action taken against the staff member or student will not normally be shared, particularly where disciplinary action is subsequently taken.

Managing unacceptable behaviour

- 3.3 All individuals involved in a complaint are expected to act reasonably and fairly towards each other, treat the process itself with respect and not abuse it. It is recognised that people may act out of character in times of trouble or distress, however, the Trust also recognises its duty to ensure the safety and welfare of its staff and students. Consequently, the Trust

has a zero tolerance towards complainants (or anyone acting on their behalf) whose behaviour is deemed to be unacceptable and where necessary, action will be taken to protect staff.

3.4 The Trust's definition of 'unacceptable behaviour' might include, but is not limited to, cases in which there is clear evidence that the complainant has behaved in one or more of the following inappropriate ways:

- The complaint is considered to be frivolous, vexatious or motivated by malice;
- Complaints which are repetitive, or appear to be obsessive or harassing;
- Communicating with the Trust in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner
- Submitting a complaint containing materially inaccurate or false information or evidence
- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- Complaints which appear to be designed to cause disruption or annoyance
- Demands for redress which appear to lack any serious purpose or value

3.5 When a complainant's behaviour, or the complaint itself, is considered to be unacceptable, as a first step, the Trust will normally tell the complainant why their behaviour or complaint is considered to be unacceptable and will ask them to desist. If the unacceptable behaviour continues, the Trust will take action to restrict contact with the Trust.

3.6 Any decision to restrict a student's access will be communicated to the student in writing by the Director of Education & Training/Dean of Postgraduate Studies (or nominee) and will be appropriate and proportionate. The options the Trust is most likely to consider are:

- Requesting contact in a particular form
- Requiring contact to take place with a named member of staff of the Trust
- Restricting telephone calls or emails to specific days and times

- Asking the complainant to appoint a representative to correspond with the Trust
 - Asking the complainant to enter into an agreement about their conduct
- 3.7 If the complainant does not agree with the restriction, they should contest the decision in writing to the Director of Education and Training/Dean of Postgraduate Studies **within ten working days** of its communication. The Director of Education & Training/Dean of Postgraduate Studies (or nominee) will consider the student's representations and, where the restriction is considered necessary and reasonable, will confirm the terms of the restricted access to the student in writing.
- 3.8 In instances where a complaint is considered to be frivolous and/or vexatious, or where a complainant continues to act in a way that is considered to be unacceptable, the Director of Education & Training/Dean of Postgraduate Studies (or nominee) may decide whether Trust disciplinary proceedings should be initiated in accordance with the Student Conduct Concerns Procedure or whether to terminate contact with the complainant in relation to their complaint. In exceptional circumstances, this may mean that consideration of the complaint is also terminated.
- 3.9 Should the complainant wish to appeal a decision to terminate contact or to dismiss a complaint, they should put this in writing to the Director of Education & Training/Dean of Postgraduate Studies **within ten working days** of its communication. The Director of Education & Training/Dean of Postgraduate Studies (or nominee) will consider the student's representations and, where the restriction is considered reasonable, will confirm the dismissal and issue the student with a Completion of Procedures letter within **28 days**. Where the restriction is considered unreasonable it may be amended or rescinded by the Director of Education & Training/Dean of Postgraduate Studies (or nominee).
- 3.10 Where a complainant submits multiple complaints on substantially the same issue, the Trust reserves the right to treat the matter as a single complaint and to decline to respond to each separate subsequent complaint.

4 Definitions

Complaint: “An expression of dissatisfaction by one or more students about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider” (This embraces, but is broader than, the definition of a complaint within the UK Quality Code).

Associate Centre / Alternative Centre of Delivery: Otherwise known as National Centres, these are places other than the Tavistock Centre where Trust courses are delivered.

Completion of Procedures Letter: A letter outlining the complaint and steps taken to address the complaint, required in a certain format by the Office of the Independent Adjudicator.

Office of the Independent Adjudicator: The Ombudsman for Higher Education providers.

5 Eligibility and Scope

Who can make a complaint?

- 5.1 This procedure is available to all students who wish to make a complaint while studying on any course either at the Trust or at an Associate Centre or Alternative Centre of Delivery, unless the Centre is a direct member of the Office of the Independent Adjudicator (OIA)¹. If a student is not sure whether their Centre has a different procedure, the Complaints Liaison Officer can offer advice. Students who have left the Trust in the last three months will also fall under this procedure, but are still subject to the same time limits outlined in section 6 below. The Director of Education & Training/Dean of Postgraduate Studies has discretion to extend this three month period where he/she considers that there are exceptional compelling reasons to do so.

¹ A list of current OIA member organisations can be found at the following page:
<https://www.oiahe.org.uk/about-us/our-scheme/our-members/>

- 5.2 Some issues may be more appropriately considered under processes other than this procedure. As such, this procedure will not normally cover:
- 5.2.1 Complaints and challenges from applicants (see the Admissions Procedure)
 - 5.2.2 Any issues or concerns a student wishes to raise about decisions of assessment or examination boards or about academic progress (see the Academic Appeals Procedure)
 - 5.2.3 A concern about a decision made under other specific regulations such as Professional Suitability or Student Conduct Concerns (see the Professional Suitability for Training Procedure/ Procedure for Investigating Student Conduct Concerns)
 - 5.2.4 Complaints regarding the behaviour of another student, which should be submitted in accordance with the Procedure for Investigating Student Conduct Concerns (see the Procedure for Investigating Student Conduct Concerns)
 - 5.2.5 Complaints from staff which should be dealt with under the relevant governance procedures, and complaints from patients under the relevant corporate policies. If a student is a patient or member of staff at the Trust in addition to being a student, the correct procedure to follow can be discussed with the Complaints Liaison Officer (CLO).

Concerns and Complaints by third parties

- 5.3 Concerns and complaints submitted via a third party will not normally be accepted. However, it is recognised that some individuals may be unable to raise a concern or make a complaint on their own. In these circumstances, concerns or complaints brought by permitted third parties (for example, an employee of the Trust or family member) will only be accepted when the individual affected has completed a third party authority form and the Director of Education & Training/Dean of Postgraduate Studies (or nominee) has approved the request.

Collective concerns and complaints

- 5.4 A single student or group of students may raise a complaint. When a group of students raise a complaint, the Trust will normally ask one person to be the nominated representative for the group. All

correspondence will be through the nominated representative, and normally only that representative will be invited to any meeting(s) apart from in the informal stage, when it is at the discretion of the staff member dealing with the informal complaint. The nominated representative will be expected to liaise with the other students.

Anonymous concerns and complaints

- 5.5 Concerns and complaints received anonymously will not normally be accepted, except where there are compelling reasons, supported by evidence, for the matter to be investigated.

Placements

- 5.6 If a complaint is relating to a placement or placement supervisor(s), which is not directly under the control of the Trust, the placement provider will be contacted on receipt of the informal or formal complaint by the Complaint Liaison Officer. They will decide whether it is appropriate to follow this procedure or whether it should be referred to their own complaints procedures.
- 5.7 Where this procedure is followed, a liaison representative from the Placement provider will be agreed, who will be asked to respond to information requests, and attend (where necessary) any meetings.
- 5.8 The Trust has no power to implement change within a placement provider and so recommendations can only relate to the Trust, but the Trust can make decisions about placement providers within the Trust's power.
- 5.9 Where the complaint relates to a placement organisation, the proposed settlement should also be communicated to the nominated liaison. If this is not mutually accepted **within five working days**, then the nominated liaison shall make a decision in liaison with the Complaints Liaison Officer.

Complaints about Members of Staff

- 5.10 It is important that students have the opportunity to raise concerns without risk of disadvantage or recrimination, whilst members of staff should have the opportunity to respond to any concerns raised.

5.11 If a student makes a complaint about the actions of a member of staff, the Complaints Liaison Officer will seek advice from the Trust's Human Resources department who will advise them that either:

5.11.1 The nature and content of the complaint indicates that the member of staff should be investigated in accordance with the Trust Disciplinary Procedure, in which case the student will be notified that the Formal Complaint is suspended until the Disciplinary Procedures have been completed.

5.11.2 The nature and content of the complaint does not give reason to initiate Disciplinary Proceedings, in which case the Formal Complaint will proceed as outlined in this procedure.

Representation for Staff

5.12 Any member of staff directly affected by a student concern or complaint may seek support from Human Resources or their trade union. Staff required to attend any meetings in relation to a student concern or complaint have the right to be accompanied by a work colleague or Trade Union Representative.

Reclassification and Suspension of Proceedings

5.13 Where it is deemed that the complaint or elements of the complaint should be handled under another Trust procedure, the student will be notified and the consideration of the complaint will be postponed until the other proceedings have resolved.

5.14 The procedure would normally be suspended where the complainant refers it to court, tribunal or other external organisation until the outcome of the external process is known.

6 Time Limits

6.1 Informal complaints (Informal Resolution) should normally be received **within 3 months** of the incident or issue in question taking place.

6.2 Formal Complaints should normally be received **within 3 months** of the incident or issue in question taking place, or **within 25 working days** of the close of the Informal Resolution stage, whichever is later. Where this

is not the case, clear and valid reasons why the complaint is outside of these time limits must be supplied, and it is at the discretion of the Director of Education and Training/Dean of Postgraduate Studies (or nominee) to allow these to be considered.

7 Duties and responsibilities

Associate Dean: May be asked to be the Complaint Investigator, and may be required to carry out conciliation and/or mediation meetings where required.

Chief Executive Officer (or nominee): Responsible for conducting Internal Reviews. They will review the complaint, at the complainant's request, to consider whether any procedural irregularities occurred during the Formal Complaint, the reasonableness of the outcome, and/or whether any further investigation is required.

Complaint Investigator: Normally a Portfolio Manager, or other senior member of staff, who is responsible for conducting Formal Complaint investigations (section 9), and for coordinating all aspects of the response to complainants.

Complaints Liaison Officer: the Strategic Projects Lead & Operations Coordinator who coordinates and manages the complaints procedure as laid out in this document.

Course Lead: May be asked to be the Complaint Investigator or Resolution Facilitator.

Director of Education & Training/Dean of Postgraduate Studies (or nominee): Responsible for deciding whether a complaint submitted out-of-time should be considered, and for approving Complaint Investigation Reports.

Portfolio Managers: will normally be the Complaint Investigator, and may be required to carry out conciliation meetings where required at the Informal Resolution stage of a complaint.

Resolution Facilitator: Normally a Course Lead or Portfolio Manager for an informal complaint (Informal Resolution).

8 The Complaints Procedure: Informal Resolution

- 8.1 The purpose of the Informal Resolution stage is to attempt to resolve concerns and complaints as quickly as possible. Concerns at this stage may be in the form of a face-to-face discussion, a telephone conversation, or in email, where the email does not state that it is a formal complaint.
- 8.2 Students who experience a problem with their course or any other Trust service should normally raise this with a relevant member of Trust staff involved in the service or matter, providing relevant details of the complaint and any remedy sought. Where the student is uncomfortable about approaching the appropriate contact, or where they have not previously received a satisfactory response, they should contact the Course Lead or Portfolio Manager. If the student is not sure who to contact, they should contact the Complaints Liaison Officer.
- 8.3 Complaints submitted in Informal Resolution should normally be made within **3 months** of the event or issues taking place that are the subject of the complaint. Where it is outside this time limit, the student should explain why it is outside of these time limits and it is at the discretion of the Director of Education & Training/Dean of Postgraduate Studies (or nominee) to decide whether to allow these to be considered.
- 8.4 The staff member in receipt of the informal complaint should give the student a clear indication of when to expect an initial response. The staff member who received the informal complaint should bring it to the Complaints Liaison Officer who will log the details and will evaluate the complaint by looking at the time limits; whether it would best be addressed under a different policy (for example, Academic Appeals or Admissions); and whether it should be escalated to the Formal Complaint procedure. Where a significant risk to a person is identified such as harassment and bullying, the student in question having a physical or mental disability, or where the complaint is particularly complex and involving several different people, it might be most appropriate to

escalate to the Formal stage immediately. Where it is clear that informal resolution is not appropriate or possible, the Complaints Liaison Officer should direct the student to the Formal Complaint procedure.

8.5 The Complaints Liaison Officer will identify the most appropriate or relevant person to refer the informal complaint to, who will be called the Resolution Facilitator. This might be a Course Lead, Portfolio Manager or other member of staff.

8.6 The Resolution Facilitator who is dealing with the informal complaint should try to resolve the issues as quickly as possible, and normally **within 25 working days** from receipt of the informal complaint wherever possible.

8.7 The Resolution Facilitator should ideally meet with the student, in person or remotely, to determine the answer to the following (or other appropriate) questions:

- What specifically is the concern about and which areas of the Trust are involved?
- What outcome is the student hoping for and can it be achieved?
- Is the concern straightforward and likely to be resolved with little or no investigation?
- Can it be resolved on the spot by providing, where appropriate, an explanation, an alternative solution, or an apology?
- Can someone else assist in seeking resolution, for example where an informal administrative resolution is required?
- Is there merit in using confidential mediation with the agreement of the student and in liaison with the Complaints Liaison Officer?
- What assistance or support can be provided to the student in taking this forward?

8.8 If after meeting the student it is clear that the expected outcomes go beyond what is possible or reasonable for the Trust to provide, the Resolution Facilitator should advise the student of this as soon as possible either verbally or via email, whichever is proportionate in this instance.

- 8.9 Where the complaint involves other parties, mediation/conciliation is encouraged. This is usually a voluntary process whereby the Resolution Facilitator acts as an impartial, independent third party to help parties involved in a dispute to resolve issues confidentially. Using mediation during this stage of the process can help both parties to understand what is driving the concern and may be more likely to result in a swift and mutually satisfactory conclusion being reached. Mediation may be particularly helpful in resolving disputes between students. If the Resolution Facilitator has a direct relationship (such as line management) of the subject of the complaint, an alternative mediator will be nominated to oversee the mediation process.
- 8.10 Any informal mediation/conciliation should be reported to the Complaints Liaison Officer describing the actions taken to consider and resolve the concern, any decisions made, and details of what was communicated to the student, and when.
- 8.11 The Resolution Facilitator will issue the student with an email to confirm the outcome of the informal investigation, including actions taken to prevent a similar event(s) happening in the future. The Resolution Facilitator will inform the student of next steps if they are not satisfied with the outcome of the Informal Resolution procedure. This will be shared with the Complaints Liaison Officer to form part of the record.
- 8.12 The student may escalate the informal complaint to a formal complaint at any point during the Informal Resolution process providing it is **within 3 months** of the incident(s). The timeline can only be extended in exceptional circumstances and at the discretion of the Director of Education & Training/Dean of Postgraduate Studies (or nominee).

9 The Complaints Procedure: Formal Complaint

- 9.1 Where a student is not satisfied with the outcome of the Informal Resolution procedure, or where it is not appropriate due to complexity or seriousness of the complaint to follow the informal complaint route, the Formal Complaint procedure will be followed.

- 9.2 If a student elects to proceed directly to a Formal Complaint they may not normally, at a later date, go back to the Informal Resolution procedure.
- 9.3 Students who want to initiate a Formal Complaint must do so in writing by completing a Formal Student Complaint Form (see Appendix D) and submitting it to the Complaints Liaison Officer, or online via the Trust Quality Portal, here:
<https://quality.tavistockandportman.nhs.uk/ComplaintDETFForm.aspx> .
- 9.4 The complaint must normally be received in writing **within 25 working days** of the close of the Informal Resolution stage, or **within three months** of the incident or issue, if they do not follow the Informal Resolution procedure (whichever is later).
- 9.5 An extension of these time limits will only be possible in exceptional circumstances, such as illness, an apparent risk of victimisation, personal embarrassment or other hindrance beyond the student's control. In such a case, the Formal Complaint should be made as soon as possible thereafter, without undue delay, and the student will be asked to explain on the Formal Complaint Form the reason for the complaint being lodged outside of the time limits. Investigation of complaints outside of the stipulated time frame will be at the discretion of the Director of Education & Training/Dean of Postgraduate Studies (or nominee).
- 9.6 The student should set out clearly the incidents about which they are complaining, including detail about each complaint point, and should provide evidence to substantiate the issues raised where it is reasonable to expect them to provide it. The student should set out the resolution that they are seeking.
- 9.7 Students should take care to raise all matters of complaint and put forward all supporting evidence, as they will not be able to raise new matters or provide additional evidence to an Internal Review unless they can show good reason why the evidence/information was not available to them to put forward as part of the Formal Complaint.
- 9.8 Once a formal complaint has been received, the Trust will aim to resolve the issues **within three months**. The timescale relies on the student and

other persons involved responding promptly to queries and requests, meeting any deadlines set. The Trust may not be able to meet this timescale for reasons outside of its control. Where this is the case, the Complaints Liaison Officer will notify the student and keep them regularly informed of progress. While every effort will be made to comply with the time limits set out above if a time limit is exceeded it shall not invalidate the outcome of the complaint proceedings.

What the Trust will do when it receives a Formal Complaint

- 9.9 The Complaints Liaison Officer, will acknowledge the receipt of the Formal Complaint within **five working days**.
- 9.10 All submitted complaints will be assessed to see whether they meet the criteria for consideration under this procedure, including in terms of the timings, and the scope.
- 9.11 If the complaint falls outside the scope of this procedure (section 5 above), but would be relevant for another procedure (e.g. academic appeals) the Complaints Liaison Officer will refer this to the relevant procedure in liaison with the student.
- 9.12 If the complaint is rejected at evaluation stage, a letter will be sent to the student providing reasons for the rejection.
- 9.13 If the complaint is accepted for consideration, the Complaints Liaison Officer will submit the complaint to the most appropriate person to handle the complaint, who has not had previous involvement in the matter, and who will be the Complaint Investigator. This will normally be a Portfolio Manager of a portfolio in which the student is not studying.
- 9.14 If the person who would normally investigate is the subject of the complaint, or there is a real or perceived conflict of interest, an alternative member of staff should be found to address the complaint.
- 9.15 The Complaints Liaison Officer will write to the student to inform them of who has been appointed Complaint Investigator.

Investigating the Complaint

- 9.16 The Complaint Investigator will meet with the student either face-to-face or remotely, to ensure that the complaint form has been understood by them, and to establish if there is any evidence the student would like to add at this point.
- 9.17 If the student is unwilling to participate in the above meeting, the Complaint Investigator must attempt to seek clarification via email or, failing that, to keep a record of the attempts made to contact the student for the Complaint Report and to draw best conclusions based on the written complaint and evidence provided.
- 9.18 If after meeting the student it is clear that the expected outcomes go beyond what is possible or reasonable for the Trust to provide, the Complaint Investigator will advise the student of this as soon as possible in writing via email to help manage expectations.
- 9.19 The Complaint Investigator will usually consult the Course Lead and/or Portfolio Manager, or their nominee, and will also seek to gather information as necessary from anyone else likely to be helpful in resolving the matter, including the complainant and the subject/s of the complaint. Information may be sought in writing, via interview or both.
- 9.20 The Complaint Investigator will contact students and staff members directly to ask them to attend any meetings. Investigative meetings are designed to clearly establish facts, and are not disciplinary interviews. All students and staff have the right to be accompanied to any meeting by a fellow student, an employee of the Trust or an advisor from the trade union. A note of the main points of discussion at all discussions and meetings will be taken and shared with interviewees after each meeting. Any factual inaccuracies should be highlighted immediately.
- 9.21 The Complaint Investigator shall:
- make such investigations as he/she deems appropriate;
 - ask any person being the subject of a complaint for a meeting, or if not possible, a written statement responding to the alleged failure/deficiency;

- where the complaint relates to a placement/practice placement, ensure that consultation takes place with appropriate placement organisation before concluding any investigation. The placement organisation will be asked to nominate a member of staff to act as liaison in respect of the complaint; this may be the practice placement supervisor;
- keep the student and all other people involved informed on the progress of the investigation, in particular when and why the time limit cannot be adhered if this is the case.
- keep records of their investigation.

Mediation

- 9.22 Where the complaint involves other parties, mediation is encouraged. The Complaint Investigator may consider whether the complaint is amenable to mediation at this stage.
- 9.23 Mediation is a voluntary process whereby an impartial, independent third party helps parties involved in a dispute to resolve issues confidentially. Using mediation during this stage of the process can help both parties to understand what is driving the concern and may be more likely to result in a swift and mutually satisfactory conclusion being reached. Mediation may be particularly helpful in resolving disputes between students. Mediation and conciliation can be used to ‘stop the clock’ on the formal process which may be restarted if agreement cannot be reached.
- 9.24 Any mediation or conciliation should be reported to the Complaints Liaison Officer describing the actions taken to consider and resolve the concern, any decisions made, and details of what was communicated to the student, and when.
- 9.25 Where both the Trust and the student agree to mediation, revised timescales will be agreed between the parties and confirmed in writing. All parties should understand how the arrangement fits with more formal procedures, the scope of the mediation or conciliation process and whether its use is subject to the parties agreeing in advance to accept the solution offered and the findings reached.

Resolving a Formal Complaint

- 9.26 Once the investigation is concluded, the Complaint Investigator will, **within 25 working days** of receipt of the Formal Complaint, send a written report to the Complaint Liaison Officer setting out clearly:
- An outline of the process followed;
 - An outline of the information gathered;
 - Conclusions drawn;
 - Any recommendations (in liaison with the Dean's Office), based on the conclusions of the investigation.
- 9.27 The Complaint Investigator can make recommendations to:
- To dismiss the complaint;
 - To suggest an amicable outcome to the student;
 - To uphold or partially uphold a complaint and make an offer of redress to the student, e.g. an apology and/or appropriate recommendations to the Trust or Service or placement organisation.
- 9.28 Where a complaint is upheld or partially upheld, the written report will also explain how and when the Trust will implement any remedy or recommendations. It is important to remember that complaints may not always produce the outcome preferred by the student. There may be a number of reasons for this, including lack of evidence to substantiate the complaint or the fact that circumstances beyond the Trust's control may affect the level of service provided.
- 9.29 When a complaint has been raised against a member of staff and has been upheld, the student will be advised of this. However, specific details regarding any action taken against the staff member will not normally be shared, particularly where disciplinary action is being taken. Where harassment is involved, special provisions apply at each stage of the disciplinary procedure (see Trust Harassment and Bullying Policy and Procedure). If appropriate, steps will be put in place to ensure that the student is not disadvantaged by this course of action.
- 9.30 When a complaint has been raised against a fellow student and been upheld, details will not normally be shared with the student, particularly

where student conduct concerns or professional suitability procedures have been triggered as a result.

- 9.31 The Complaints Liaison Officer, on receipt of the Complaint Investigation Report, will send a copy to the Director of Education and Training/Dean of Postgraduate Studies (or nominee) for approval. This will be shared with the student, the subject of the complaint and the Portfolio Manager/Course Lead once approved. Any factual inaccuracies should be highlighted immediately.
- 9.32 Should the student remain dissatisfied with the outcome of their complaint, they should submit a request for an Internal Review **within 10 working days** of communication of the outcome of the Formal Complaint (see section 10 below).
- 9.33 If the student is satisfied with the outcome of the Formal Complaint or does not request an Internal Review within **10 working days** of issue of the Complaint Investigation Report, the Trust will close the matter.

10 The Complaints Procedure: Internal Review

- 10.1 If the student is dissatisfied with the outcome of the Formal Complaint process, he/she/they can request an Internal Review within **10 working days** of the date of the letter containing the outcome of the Formal Complaint.
- 10.2 A request for an Internal Review can be made on the following limited grounds:
- The student has evidence to suggest that the formal stage was not followed or managed appropriately; and/or
 - The student has evidence that the outcome was unreasonable; and/or
 - The student has new material evidence that could not be presented at the time for reasons beyond the student's control, and which may have affected the outcome of the formal complaint.

- 10.3 The review will not reassess the issues afresh or involve a further investigation. A complaint must have been considered at the Formal stage before it can be referred for review.
- 10.4 In order to request an Internal Review, the student must complete an Internal Review Form (Appendix E) and return this to the Complaints Liaison Officer. Students are expected to set out their complaint clearly and succinctly and provide evidence to substantiate the issues raised where possible.

What the Trust will do when it receives a request for an Internal Review

- 10.5 The Complaints Liaison Officer will acknowledge receipt of the request for an Internal Review **within five working days**. The Complaints Liaison Officer will then pass the request for review with the Complaint file to the Chief Executive Officer (or nominee) for consideration.
- 10.6 The Chief Executive Officer will consider the following questions:
- Were the relevant procedures followed during the Formal Complaint process?
 - Was the outcome reasonable and proportionate in all the circumstances?
 - Has the student received clear reasons why the complaint was rejected at the formal stage?
 - If new material evidence has been provided, has the student given valid reasons for not supplying this earlier?
- 10.7 If, at any time, the student's expectations appear to exceed the scope of the Internal Review, they will be advised of this as soon as possible in writing.
- 10.8 The Trust will endeavour to complete the processing of an Internal Review **within 25 working days**. The timescale relies on the student and other persons involved responding promptly to queries and requests, meeting any deadlines set. The Trust may not be able to meet this timescale for reasons outside of its control. Where this is the case the Complaints Liaison Officer will notify the student and keep the student regularly informed of progress. While every effort will be made to comply with the

time limits set out above if a time limit is exceeded it shall not invalidate the outcome of the complaint proceedings.

10.9 The decision of the Chief Executive Officer (or nominee) will be final. If the Chief Executive Officer (or nominee) determines that the request for an Internal Review is not well-founded, then s/he will dismiss the case and will formally issue the student with a letter, explaining the reasons for his/her findings, as soon as possible and **within 25 working days**. This should include a clear explanation and outline the reasons for the decision in straightforward language. This will help the student decide whether or not to pursue the matter further.

10.10 If the Chief Executive (or nominee) determines that the request for an Internal Review is well-founded, then they will initiate a review of the case and then issue the student with an outcome letter, containing details of their findings and what the outcome will be. Where a complaint is upheld, the letter will also detail how and when the Trust will implement any remedy. If the student is on a validated course, the Trust will also issue the student with a Completion of Procedures letter in compliance with the OIA Guidance as soon as possible and within **28 days**.

11 The Complaints Procedure: External Review

11.1 Once the Internal Review stage has been completed, and if the student is on a validated course, the student is entitled to ask the Office of the Independent Adjudicator (OIA) to look at the complaint. All applications to the OIA must be made **within twelve months** of the date of the Completion of Procedures letter issued by the Trust to the student.

11.2 Students on validated courses will be issued with a Completion of Procedures letter when the Chief Executive Officer (or nominee) has completed the Internal Review and reached a final decision.

11.3 Students may also request a Completion of Procedures letter within **20 working days** of the outcome of the Formal Complaint being confirmed in writing.

- 11.4 The OIA considers complaints from people who remain dissatisfied at the conclusion of the Trust’s internal Student Complaints Procedure. The OIA looks at issues such as whether the Trust followed its own procedures, whether these procedures were reasonable, and whether the Trust’s final decision was reasonable in all the circumstances.
- 11.5 The OIA cannot normally look at complaints:
- 11.5.1 Where the student has not progressed through all stages of the Trust’s Student Complaints Procedure;
 - 11.5.2 Where the complaint refers to matters more than three years old;
 - 11.5.3 Where the Completion of Procedures letter is received outside the twelve-month time limit;
 - 11.5.4 Where matters have been or are being considered in court.
- 11.6 The OIA’s Scheme Rules and guidelines are available on its website: www.oiahe.org.uk

12 Training Requirements

- 12.1 Staff involved in the investigation of Complaints must have knowledge of this procedure. They must also be up to date with the Trust’s mandatory Data Security Awareness Training.
- 12.2 The Complaints Liaison Officer, the Director of Education & Training/ Dean of Postgraduate Studies and Associate Deans must be familiar with the OIA Good Practice Framework, UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals and Advice and Guidance: Admissions, Recruitment and Widening Access, and must keep up to date with current developments around complaints within the sector. They must be up to date with the Trust’s mandatory Data Security Awareness training. When needed, the Complaints Liaison Officer can access Human Resources for advice and guidance regarding complex complaints.
- 7.3 All staff within the Trust should be made aware of this procedure, and complaints/customer service training to all DET staff (including faculty) should be provided every year.

13 Process for monitoring compliance with this Procedure

- 13.1 The Complaints Liaison Officer shall report to the Education & Training Executive on formal complaints received on a quarterly basis. The report will include: the number of formal complaints lodged; the number satisfactorily addressed at Stage 2 including those lodged with collaborative partners; and the number of complaints proceeding to review by the Chief Executive Officer. Any overall recommendation(s) arising from the reviews will be drawn to the attention of the Education & Training Executive.
- 13.2 In addition, the number and nature of the complaints will also be received at Academic Governance and Quality Assurance Committee annually in October.
- 13.3 The Director of Education & Training/Dean of Postgraduate Studies shall report yearly to the Board of Directors on formal complaints received.

14 References

Feedback mechanisms available to students (Student Contribution):
<https://tavistockandportman.nhs.uk/training/current-students/student-contribution/>

Online feedback form:

<https://tavistockandportman.nhs.uk/training/current-students/student-contribution/your-student-feedback/>

Appeals:

<https://tavistockandportman.nhs.uk/training/current-students/student-regulations/assessment/appeals/>

Student disciplinary procedures:

<https://tavistockandportman.nhs.uk/training/current-students/student-regulations/disciplinary-procedures/>

QAA UK Quality Code for Higher Education:

<https://www.qaa.ac.uk/quality-code>

Office of the Independent Adjudicator Good Practice Framework:
<http://oiahe.org.uk/providers-and-good-practice/good-practice-framework.aspx>

Trust Student Complaints Web Link:
<https://tavistockandportman.nhs.uk/training/current-students/student-support/support-and-complaints/>

15 Associated documents²

- Data Protection Procedure
- Bullying and Harassment Procedure
- Disciplinary Policy and Procedure (for staff)
- Students with Disabilities Procedure
- Student Admissions Procedure
- Student Conduct Concerns Procedure
- Professional Suitability Procedure

² For the current version of Trust procedures, please refer to the intranet.

Appendix A : Equality Impact Assessment

Completed by	Isabelle Bratt
Position	Strategic Projects Lead & Operations Coordinator
Date	19 th February 2020

The following questions determine whether analysis is needed	Yes	No
Is it likely to affect people with particular protected characteristics differently?		✓
Is it a major policy, significantly affecting how Trust services are delivered?	✓	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		✓
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		✓
Does the policy relate to an area with known inequalities?		✓
Does the policy relate to any equality objectives that have been set by the Trust?	✓	
Other?		✓

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then the following analysis will provide further scrutiny:

	Yes	No	Comment
Do policy outcomes and service take-up differ between people with		✓	

different protected characteristics?			
What are the key findings of any engagement you have undertaken?			NA
If there is a greater effect on one group, is that consistent with the policy aims?			NA
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?			NA
Will the policy deliver practical benefits for certain groups?		✓	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		✓	
Do other policies need to change to enable this policy to be effective?	✓		Student Admissions Procedure
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources (for staff related policies) or the Trust’s Equalities Lead (for all other policies).

Appendix B: List of Validated Courses

MA Consulting and leading in organisations: psychodynamic and systemic approaches (D10)

D Prof Advanced practice and research: consultation and the organisation (D10D)

PGCert Child, adolescent and family mental well-being: multidisciplinary practice (D24)

PGCert Mental health and well-being: multi-disciplinary practice with young people and adults (D24A)

GradCert/PGCert Systemic approaches to working with individuals, families and organisations (D4)

MA The foundations of psychodynamic psychotherapy (D58)

GradDip Emotional care of babies, children, young people and families: developing understanding, skills and knowledge (EC1)

MA Systemic psychotherapy (M6)

MA Psychoanalytic studies (M16)

MA Psychological therapies with children, young people and families (M34)

D Prof Child, community and educational psychology (M5)

D Prof Child and educational psychology (M4)

D Prof Systemic psychotherapy (M10)

MA Working with children, young people and families: a psychoanalytic observational approach (M7)

D Prof Psychoanalytic child and adolescent psychotherapy (M80)

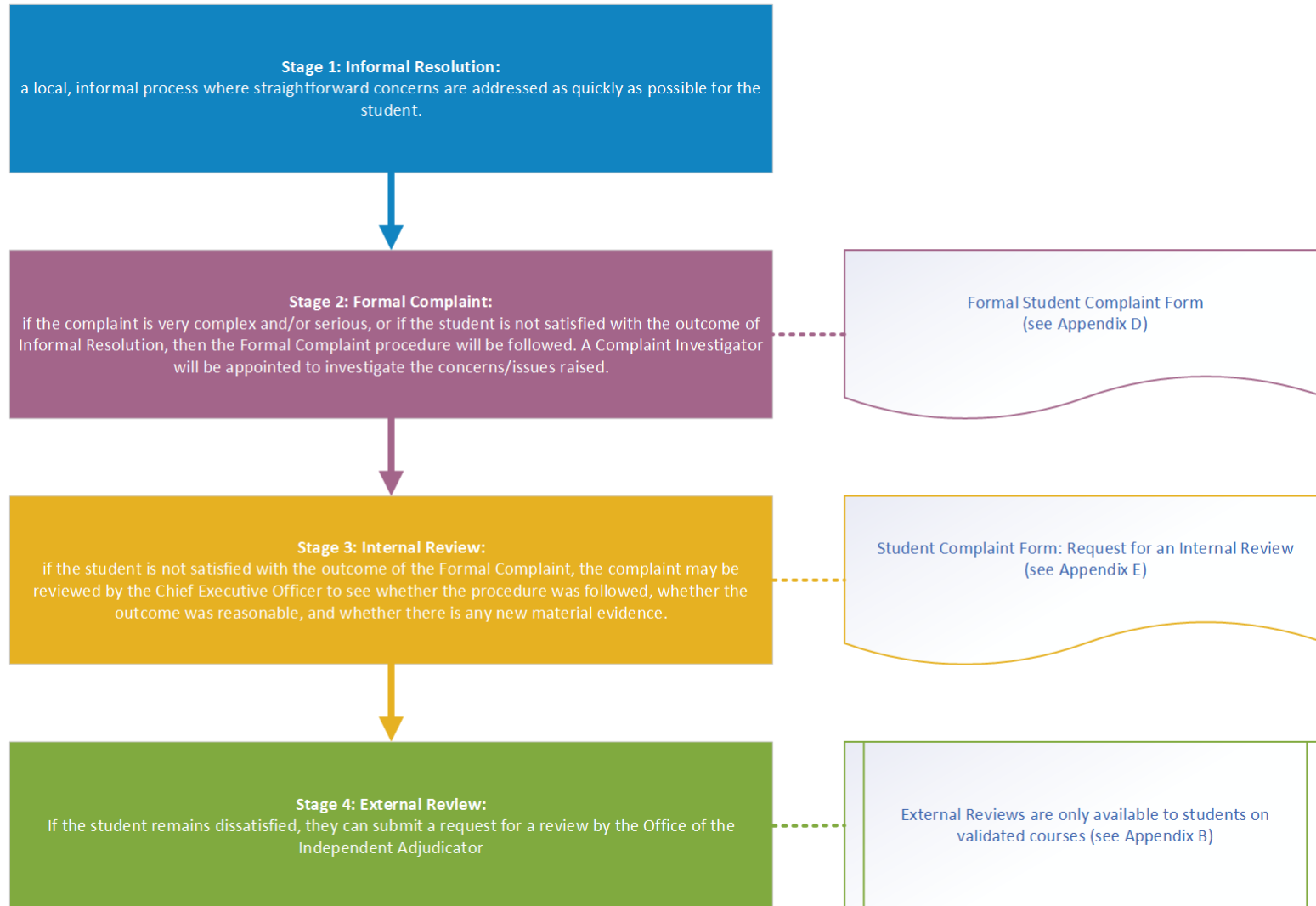
MA Working with infants and the early years: a psychoanalytic observational approach (M9)

D Prof advanced practice and research: social work and social care (D55)

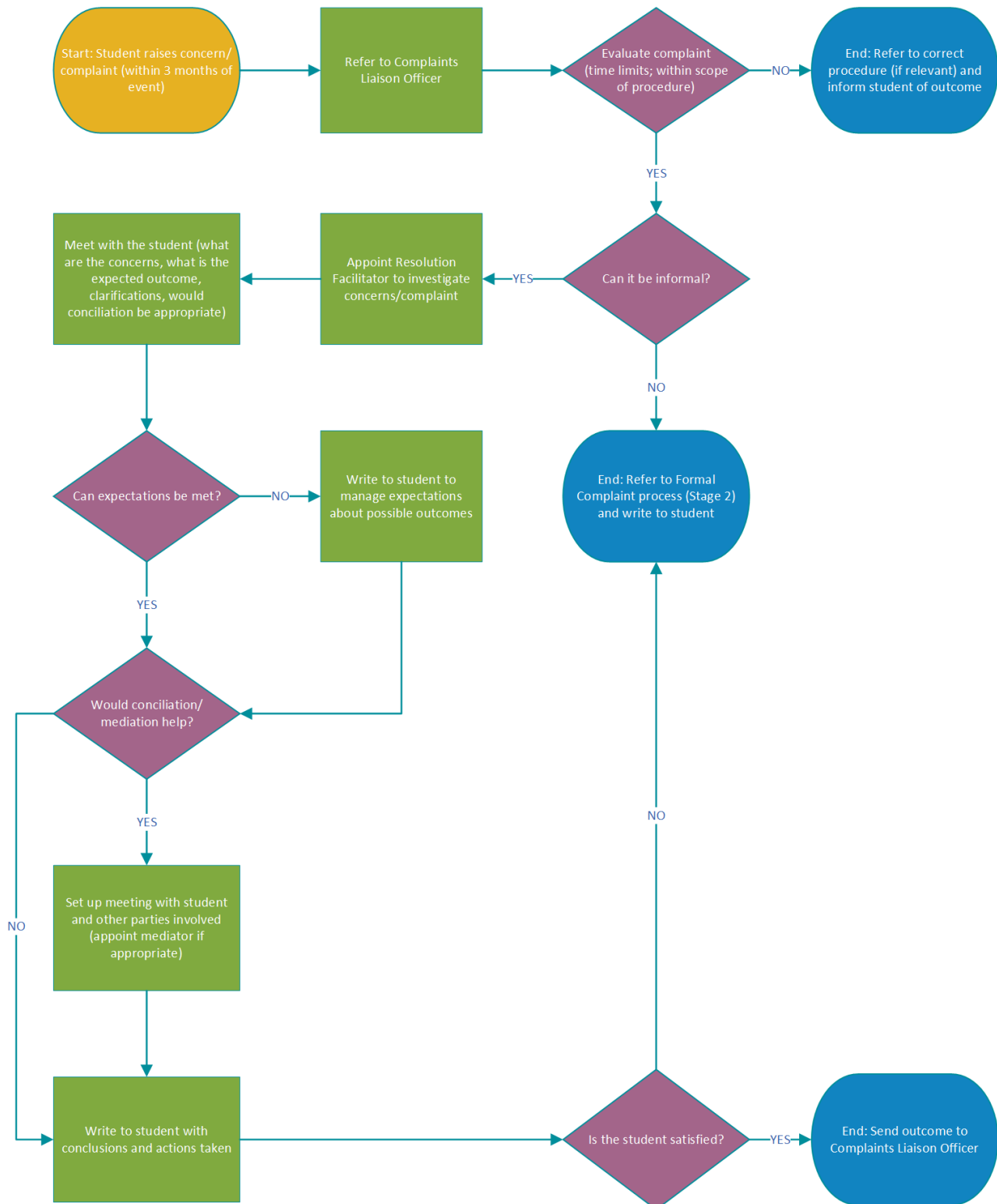
PGDip Working with complex needs in contemporary social work practice (M45)

Appendix C: Process Maps

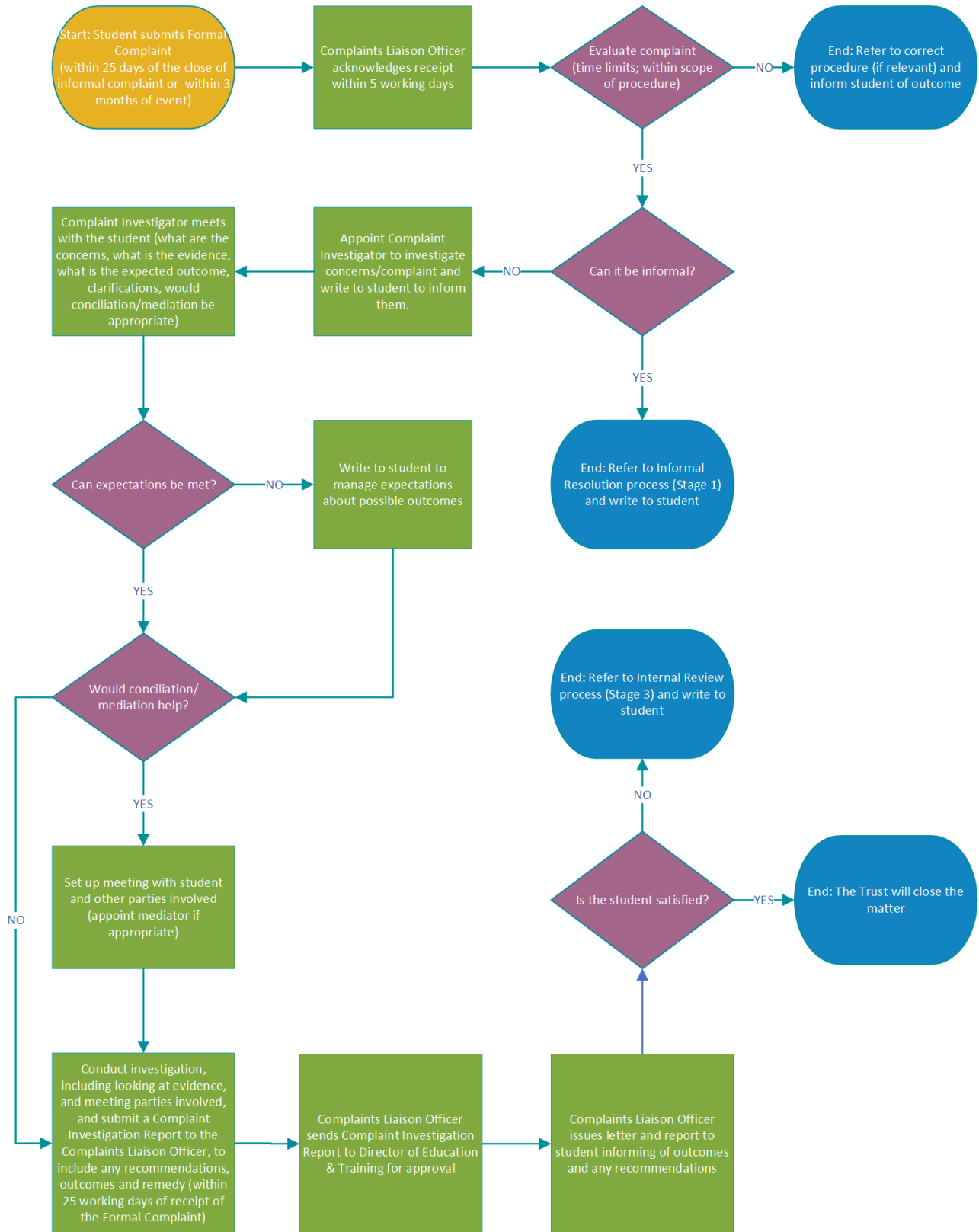
Stages of the Complaints Procedure



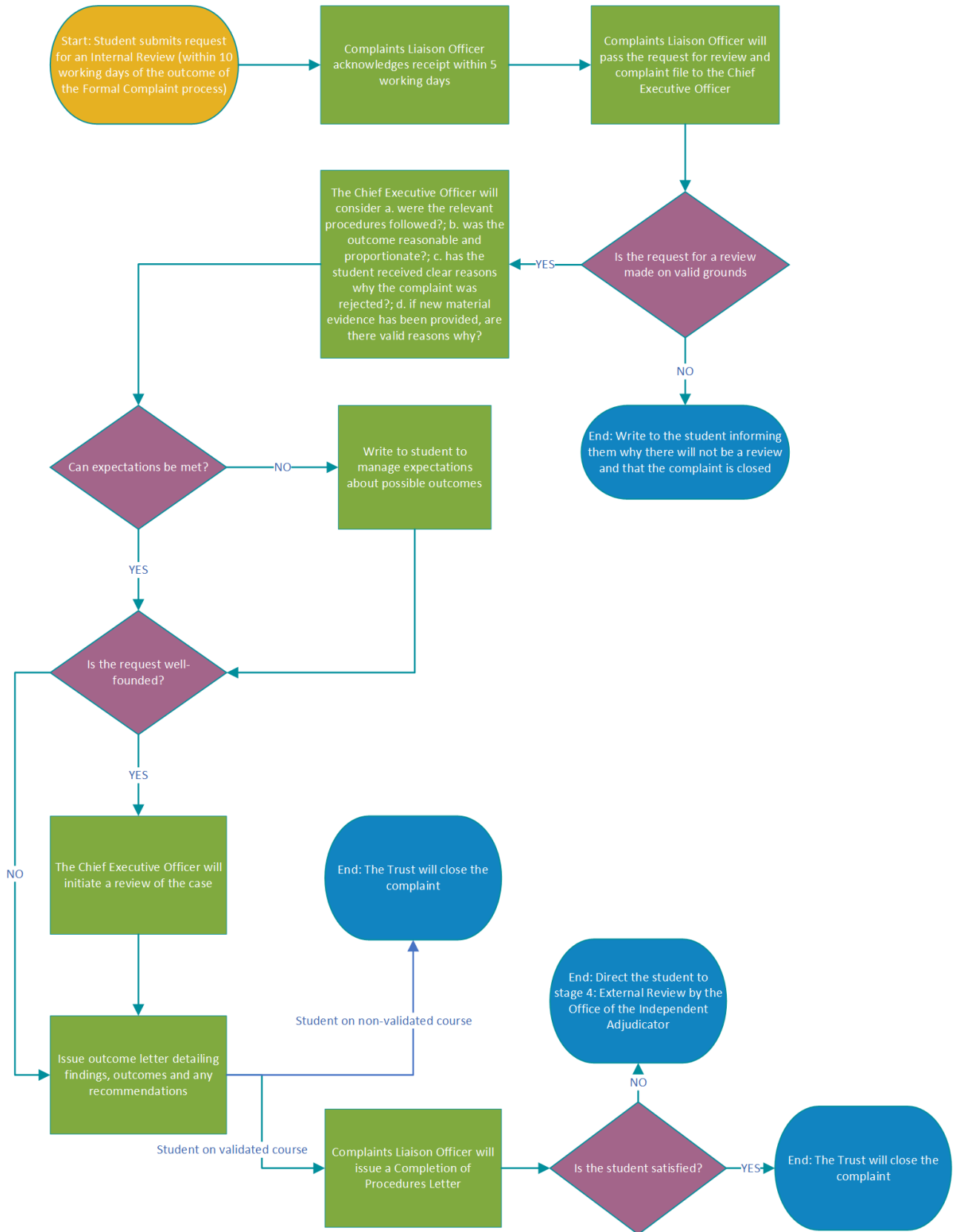
The Complaints Procedure: Informal Resolution



The Complaints Procedure: Formal Complaint



The Complaints Procedure: Internal Review



Appendix D: Formal Student Complaint Form

Student Complaint Form

This form can be used by any student wishing to make a formal complaint about any service or lack of service provided by the Trust in relation to a course on which they are a student to which a response is expected.

This form cannot be used for the following categories of complaint, for which separate procedures exist:

- appeals against the decision of Exam or Assessment Boards;
- appeals against the decision of the Extenuating Circumstances Panel;
- applicants that did not enrol on a course
- complaints from patients of the Trust
- complaints from members of staff of the Trust (unless they are also a student)
- appeals against decisions taken under disciplinary procedures
- appeals against professional suitability procedure

All forms must be completed electronically and returned by email to: Isabelle Bratt, Complaints Liaison Officer at detcomplaints@tavi-port.nhs.uk

If you would like to have an informal discussion with the Complaints Liaison Officer before making your complaint please contact her on 020 8938 2238.

Section one: Your details

Surname		Title	
Forename(s)			
Address for Correspondence			
Postcode			
Email			
Telephone Number			
Course			
Portfolio			

Section two: Your complaint

Name of individual/service you are complaining about
Have you attempted to resolve this matter through the Informal Resolution procedure?
If yes, please provide details of who you raised this matter with and the date you did so.
If not please outline why you have chosen to move directly to a formal complaint.
The completed complaints form should be lodged with the Complaints Liaison Officer within the time limits detailed in the Complaints Procedure. An extension of these time limits will only be possible in exceptional circumstances. If your complaint has been made outside of these time limits please detail below the reason for this.

Please use the space below to provide the specific details of your complaint. You should include individual events and incidents as appropriate. Please do this in chronological order

(please note these boxes will expand as you type and more can be added as required)

Date	Individuals Involved	Nature of your complaint

Below please state what would represent a satisfactory outcome of your complaint

Section 3: Declaration

In accordance with the Data Protection Act 1998 we are required to obtain your consent for the following:

- a) to hold some elements of the information that you have provided on an electronic database;
- b) to disclose the information that you have provided to authorised members of University staff, their legal advisers or where the law requires, as necessary for the reasonable purposes connected with the investigation of your complaint.

Please sign below to confirm that the information you have provided is accurate to the best of your knowledge, and to indicate your consent for the information provided to be used as detailed above.

Signed

Dated

All information provided will be dealt with in the strictest confidence and any reports on the feedback received will not identify names.

Appendix E: Student Complaint Form: Request for an Internal Review

Student Complaint Form: Request for an Internal Review

This form can be used by any student wishing to request an internal review, where they are dissatisfied with the outcome of the Formal Complaint process.

This form cannot be used for the following categories of complaint, for which separate procedures exist:

- appeals against the decision of Exam or Assessment Boards;
- appeals against the decision of the Extenuating Circumstances Panel;
- applicants that did not enrol on a course
- complaints from patients of the Trust
- complaints from members of staff of the Trust (unless they are also a student)
- appeals against decisions taken under disciplinary procedures
- appeals against professional suitability procedure

All forms must be completed electronically and returned by email to: Isabelle Bratt, Complaints Liaison Officer at detcomplaints@tavi-port.nhs.uk

If you would like to have an informal discussion with the Complaints Liaison Officer before requesting an internal review, please contact her on 020 8938 2238.

Section one: Your details

Surname		Title	
Forename(s)			
Address for Correspondence			
Postcode			
Email			
Telephone Number			
Course			
Portfolio			

Section two: Grounds for requesting an internal review

A request for an Internal Review can be made on the following limited grounds:

- That the formal stage was not followed or managed appropriately; and/or
- That the outcome was unreasonable; and/or
- That there is new material evidence which you were unable, for valid reasons, to provide earlier in the process and which may have affected the outcome of the formal complaint.

The review will not reassess the issues afresh or involve a further investigation.

Grounds for Appeal: (please tick as appropriate)				
A procedural irregularity occurred		The outcome was unreasonable		There is new material evidence available
<p>Please explain your grounds for appeal, how you have been disadvantaged by this and list the evidence to support your grounds</p> <p>If you are providing new material evidence, include reasons why you did not submit this at an earlier stage of the complaint process.</p>				

Please state your preferred outcome
The completed request for an internal review should be lodged with the Complaints Liaison Officer within the time limits detailed in the Complaints Procedure. An extension of these time limits will only be possible in exceptional circumstances. If your request for an internal review has been made outside of these time limits please detail below the reason for this.

Section 3: Declaration

<p>In accordance with the Data Protection Act 1998 we are required to obtain your consent for the following:</p> <ul style="list-style-type: none"> c) to hold some elements of the information that you have provided on an electronic database; d) to disclose the information that you have provided to authorised members of University staff, their legal advisers or where the law requires, as necessary for the reasonable purposes connected with the investigation of your complaint. <p>Please sign below to confirm that the information you have provided is accurate to the best of your knowledge, and to indicate your consent for the information provided to be used as detailed above.</p>	
Signed	Dated

All information provided will be dealt with in the strictest confidence and any reports on the feedback received will not identify names.