

## LEARNER COMPLAINTS PROCEDURE

### 1. Introduction

This Procedure is the mechanism for Learners to raise concerns or complaints about the organisation's services or members. The aim is to prevent unnecessary delay, whilst ensuring a full and fair assessment of the circumstances of any individual complaint.

The formal complaints procedure should be seen as a last resort in the search for a solution. Prior to entering the Learner Complaints Procedure, each Learner should normally have raised the issue with the person concerned.

The procedure applies to all Learners (including staff who are also Learners but only in their capacity as Learners) of DTK undertaking a programme of study operated by the organization. This procedure does not cover academic appeals for which there is a separated procedure.

### 2. Operating Principles

2.1. The complaints procedure is operated under the Principles of Natural Justice.

2.1.1. That is the organisation acknowledges that there are two sides to every dispute. The procedure is intended to provide a non-adversarial framework where both parties are given the opportunity to provide evidence to substantiate their version of the issue/incident. Full disclosure of any allegations or evidence will be made to both parties.

2.1.2. Where issues cannot be resolved informally an independent Senior Manager will be appointed to consider evidence of the complaint. The manager will be from outside the area of complaint and have no previous involvement in the issue or concern.

2.1.3. it is expected that in raising possible issues of complaint, Learners themselves will have observed their obligations and responsibilities as learners of the organisation, through meeting their academic commitments and a level of behaviour in accordance with the organisation's regulations or reasonable consideration for others. The organization expects that Learners will not engage in frivolous or vexatious complaints.

2.2. All information supplied will remain confidential for use within the complaints process. Only staff directly involved with the complaint resolution/investigation will be given access to facts of the case. Complaints provide an important source of feedback on the performance of DTK's services and members. As such DTK will monitor the registration of complaints and the progress towards resolution. A report will be produced annually to monitor complaint trends and to ensure the relevant quality issues are identified and addressed. Learner identification will not be presented in the report. Learners may discuss complaints issues informally with the Complaints Caseworker prior to any action being taken on the complaint.

2.3. Anonymous complaints will not be accepted.

2.4. Learners can normally expect a written response to their complaint within 21 days of submitting a complaint form.

2.5. Any party involved in a complaint has the right to be accompanied and represented by a person of his/her choice at every relevant stage of the procedure. Learners may choose a representative, but they must take their own arrangements in this matter.

## COMPLAINTS & GRIEVANCE POLICY & PROCEDURE

### 1. Introduction

This agreed policy & procedure covers all learners of DTK, by which all learner grievance can be determined in a fair and equitable manner.

### 2. Aims

- To promote fair employment practices
- To determine individual grievance relating to your learner promptly and fairly
- To enable any learner to have his or her grievance heard by DTK
- To ensure that the learner is treated fairly and equally

### 3. Scope

- Terms and Conditions
- Duties of the learner e.g. carrying out duties that are not agreed in the contract agreed within the placement
- Victimisation

### 4. Exclusion

- Lack of commitment/unauthorised absence
- Personal disagreements
- Issues such as Warning System e.g. poor timekeeping
- DTK Policies and Procedures

5. Before putting a formal grievance, the learner should discuss the problem with their placement officer. Any grievance will be dealt by DTK promptly and forwarded to the Centre Manager.

The discussion should take place as soon as possible. There should not, at this stage, be a need to involve other people.

If, after the discussion between the learner and tutor/assessor, it is agreed that if there are grounds to suspect that the learner has been aggrieved the tutor/assessor should take action to resolve the problem. This action must be agreed with the learner.

If this action does not have a positive result the learner has genuine grievance cannot take further action the learner can then proceed to the first formal stage.

## **FORMAL STAGE OF THE GRIEVANCE PROCEDURE**

### **Stage 1**

Allegations and complaints under the grievance procedure should be investigated speedily.

### **The Procedure**

- A grievance should be reported directly to the learner's tutor/assessor using the attached form. If another mentor cannot hear the grievance e.g. due to annual leave, another officer from the personnel will be appointed to do so.
- The grievance should be investigated within 10 working days. If further enquiries are needed, a further 5 working days will be required. A hearing will be arranged involving appropriate people.
- If the issue is not resolved at the learner can proceed to stage 2 and submit the grievance to the Centre Manager.

### **Stage 2**

- Learners should complete part two of the grievance form.
- Upon receipt of grievance the Centre Manager will investigate and hear the grievance within 10 working days. Only matters such as annual leave should prevent this.
- The decision should be recorded and put in writing to the learner.

### **Final Stage**

- Where the grievance is not resolved after stage two the learner may request a hearing under the final stage but must state in writing the grounds on which they feel the grievance has not been appropriately considered at the earlier stages.
- The time limit will again be 10 working days.
- Director of Studies or equivalent will hear the final stage.
- The decision will be given in writing and be final.

However, learners have the right to appeal to the AO directly within 20 days if they are not satisfied with the outcome of the appeal raised with the Centre.

## Form of Grievance or Complaint

Part A – Stage 1

Name..... Class/Placement.....

Date.....

*Please photocopy this form when completed and keep a copy for yourself.*

I wish to pursue the following grievance through stage 1 of the procedure

Result (to be completed by Assessor/Tutor/Mentor)

Date of meeting:

Who attended:

Summary of Discussion:

Result of discussion:

**PART B**

I discussed this grievance with the Assessor/Tutor/Mentor on  
20

I do not feel that the issue has been resolved because

The redress I seek is

I now submit my grievance to be dealt with in accordance with stage 2 of the  
Grievance Procedure.

Signed:

Date:

When completed this form must be sent to the training Manager.

GRIEVANCE PROCEDURE STAGE 2

Date of Meeting:

Who attended?

Summary of Discussion:

Result of Discussion:

Prior to entering the Learner Complaints Procedure, each Learner should normally have raised the issue with the person concerned. The formal complaints procedure should be seen as a last resort in the search for a solution.

Learners who raises a formal complaint should either complete a Learner complaint form or write to the Director of Learner Services.

## **APPENDIX I HEARING PROTOCOL**

1. The Chair will open the hearing and outline the roles of all parties present
2. The Chair shall confirm to the parties the nature of the complaint.
3. The Chair will inform Learner of the right to be represented at the hearing should they arrive unaccompanied.
4. The Chair will ask the Learner (or representative) to present his/her case in support of their complaint. The Learner will be asked to introduce any witness (es) in support of the complaint.
5. The Learner representative may question the Learner and/or representative and/or any witness (es).
6. The Panel may ask questions of the Learner and/or representative and/or any witness (es) at any time.
7. The Chair will ask the Learner representative to reply to the complaint, and to introduce any witness (es) in support of the response.
8. The Learner (and/or representative) may question the Learner representative and/or any witness (es) called by the complainer in support of their response.
9. The Panel may ask questions of the Learner representative and any witness (es) at any time.
10. The Chair will ask the Learner (or representative) who is bringing the complaint to summarise their case.
11. The Chair will ask the Learner representative to summarise their case.
12. The chair will then adjourn the hearing to consider the evidence that the Panel have heard. They may at this stage choose to seek additional evidence or information from other parties. Should this be the case, all parties will be informed as to the nature of the enquiry. The Learner Relations Officer (or nominee) will advise the Panel.
13. Panel members will advise the Chair of their opinion of the case. Following this discussion, the Chair will act as final arbitrator in the manner.
14. The Chair will announce their decision, either by calling the parties together or in writing. The outcome of the hearing will be confirmed in writing within five (5) working days of the decision.