

Document name and version	6.8 Complaints Procedure
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Policies that Interact with Policy 6.8	<p>Policy 2.11 Procedures for Hearings and Appeals Policy 3.10 Policy and Procedure on Moodle Copyright and Usage Policy 6.2 Learner’s Code of Conduct Policy 6.4 Policy and Procedure on Learner Welfare and Wellbeing Policy 6.5 Learner Disciplinary Policy Policy 6.7 Dignity and Respect</p>
Approval Body	Board and Academic Council
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Revisions	

1 Preamble.

1.1 IICP College recognises that a situation could arise where a learner may have a difficulty in relation to a member of staff, faculty, or service of IICP College, or another learner at IICP College. This Complaints Policy provides one possible course of action to resolve such difficulties. However, it is expected that every effort will be made by those involved to resolve all matters through conversations and dialogue. Differences and conflicts are most effectively resolved through those involved having an opportunity to talk things through, and College staff are available to assist with this process. In addition, learners are advised to consult other similar policies (such as Review, Rechecks and Appeals Policy, Learner Dignity and Respect Policy and Learner Welfare and Wellbeing Policy) in order to see if a more useful process is available to them.

1.2 A complaint is defined as:

An expression of substantial dissatisfaction by one or more learners about the standard of service, actions or lack of action by IICP College, or about another learner at IICP College.

1.3 This Complaints Procedure is not applicable to complaints about issues over which the College has no control.

1.4 Please note that there are separate procedures for issues relating to bullying, academic results and/or progression to clinical work. For such matters please refer to the following policies available in IICP College QA manual:

1.4.1 Dignity and Respect Policy;

1.4.2 Policy and Procedure on Learner Welfare and Wellbeing;

1.4.3 Review, Rechecks and Appeals Policy.

1.5 Where the complaint is, or is likely to be, the subject of an investigation by another authority (including the Gardaí, TUSLA or a professional body), then IICP College may, at the discretion of the Academic Council, suspend the procedure.

2 Purpose.

2.1 The objective of this policy is to inform learners about the complaints procedure at IICP College.

2.2 The complaints procedure aims to provide learners with an opportunity to resolve complaints that they may have in a timely and collegial manner.

3 Scope.

3.1 This policy applies to all registered learners in IICP College.

3.2 This policy applies to complaints in relation to a member of staff, faculty, or service of IICP College, or another learner at IICP College.

4 Principles.

4.1 The guiding principles of the procedure are as follows:

4.1.1 Complaints should be dealt with in a timely manner and through processes which are clear, straightforward and transparent.

4.1.2 IICP College expects that learners with concerns should be responsible for making these known themselves.

4.1.3 IICP College presumes that complaints are submitted in good faith.

4.1.4 Learners will not be disadvantaged for submitting a complaint regardless of whether the complaint is upheld or not, unless the complaint is deemed to be unreasonable or malicious.

4.1.5 Complaints will be investigated by staff who have no material interest in the complaint.

4.1.6 Complaints are confidential to IICP College and will only be disclosed outside of the College staff to those who are immediately involved and/or those whose participation is necessary for a resolution.

4.1.7 Confidentiality will be respected by all involved in the process.

1.1. *Computation of Time:* Where this procedure prescribes a number of days, this is taken to mean working days: that is, weekends and public holidays shall not be counted. Reference to a specific staff role in any policy is taken to mean that role or any other appropriate member of staff designated by the College to take the specified responsibility in the conduct of that policy.

4.2

5 Complaints Procedures – Conditions.

5.1 Complaints that do not follow the correct procedural steps will not be considered.

5.2 Learners at IICP College are encouraged, where appropriate, to resolve differences and disputes through dialogue before proceeding to formal stages. Where reasonable attempts have not been made to resolve matters informally, then the learner will be advised to first follow the informal complaints procedures, or an alternative policy where applicable. Where the complaint is about another learner, the learner should, where appropriate, first follow IICP College's Dignity and Respect Policy or other relevant policy.

5.3 *Group Complaints:* In the event of a group complaint each member of the group must sign the complaint form. The group should nominate one member to communicate on their behalf with IICP College, and record the nomination on the complaints form.

5.4 *Third Party Complaints:* IICP College cannot participate in third party complaints.

5.5 *Unreasonable Complaints:*

5.5.1 In some circumstances persisting with a complaint that has already been processed or initiating or persisting with a complaint in a manner that infringes the rights of others, may be considered to be unreasonable behaviour. Unreasonable behaviour includes, but is not confined to:

5.5.1.1 Persistence in pursuing an argument that has already been addressed or re-framing a complaint that has already been processed to present it as a fresh complaint.

5.5.1.2 Making demands – examples include seeking an alternative decision on a complaint that has already been decided, demanding that a complaint be dealt with or not dealt with by a particular staff member.

5.5.1.3 Lack of co-operation – examples include not making oneself reasonably available to the complaints process, issuing multiple queries in relation to the same issue and/or demanding an immediate response to correspondence.

5.5.1.4 Presenting irrelevant arguments and/or insisting that the complainant's interpretation of legal or other issues should be accepted as fact.

5.5.1.5 Threatening behaviour including threats of violence, verbal abuse of learners or staff, and rude or aggressive conduct.

5.5.2 In the event of unreasonable behaviour by a complainant, IICP College will not process the complaint any further and disciplinary action may be taken against the complainant acting unreasonably.

5.6 Formal investigation of a complaint will only be undertaken when a learner directly and in writing invokes the complaints procedure.

5.7 Anonymous complaints will not be considered.

5.8 Full Participation in the Process:

5.8.1 Learners should understand that when they initiate a complaint, there are specific procedures that will ensue.

5.8.2 Complainants are required to provide full, accurate and clear information on the grounds and nature of the complaint.

5.8.3 Complainants are required to cooperate with any investigation of the complaint, including provision of additional information and attendance at any necessary interviews. If complainants choose not to participate, the procedure cannot be progressed.

5.8.4 Complainants should note that a complaint that is unreasonable or malicious can result in the other party lodging a complaint against them.

6 Time Limits for Raising a Complaint

6.1 There are time limits associated with making a complaint. It is the learner's responsibility to ensure that they adhere to these time limits.

6.1.1 Informal stage: Complaint should be lodged as soon as possible and within 30 working days of the incident giving rise to the complaint.

6.1.2 Formal stage: Complaint should be lodged as soon as possible and within 30 working days of the incident giving rise to the complaint or the conclusion of the informal stage, whichever is the later, provided that the informal stage must conclude within three months of the complaint being lodged informally regardless of whether the complaint has been resolved.

6.1.3 Appeals stage: Complaint should be lodged within 30 working days of the date of the outcome report issued on completion of the formal stage.

6.2 Complaints received after these times will not be considered.

7 Informal Complaints Procedure

7.1 Complaints and concerns should, where possible, be resolved at any early stage through dialogue and by those who are directly involved in the situation. Learners are encouraged to approach the person directly and respectfully with whom they are experiencing difficulty. Resolution through dialogue and discussion is often possible. Guidance is provided in IICP College's policy on Dignity and Respect.

7.2 If the issue is not resolved after initial dialogue, learners are encouraged to consult informally with Programme Leaders or Assistant Programme Leaders at Student Care time, or by appointment.

7.3 Learners have 30 working days from the date of the incident giving rise to the complaint, or from the conclusion of the informal stage, whichever is the later, within which to lodge a formal complaint provided that the informal stage must conclude within three months of the complaint being lodged informally regardless of whether

the complaint has been resolved. It is expected that during this period learners will take all reasonable steps to resolve the dispute informally.

8 Formal Procedure

8.1 When the informal procedure has failed to satisfactorily resolve matters or when the seriousness of the complaint is such that informal complaints procedures are not appropriate, the formal procedures can be invoked.

8.2 Formal complaints should be made as soon as possible and within 30 working days of the incident giving rise to the complaint, or completion of the informal stage, whichever is the later provided that the informal stage must conclude within three months of the complaint being lodged informally regardless of whether the complaint has been resolved.

8.3 Step One: Investigation of the complaint.

8.3.1 To initiate a formal complaint procedure, learners should submit the IICP College Complaint Form to the Registrar (See Supporting Documentation).

8.3.2 The Complaint Form should detail:

8.3.2.1 The nature of the complaint.

8.3.2.2 What steps the complainant has undertaken to resolve the matter informally.

8.3.2.3 Why the complainant considers the response to the informal stage to have been insufficient.

8.3.2.4 What the complainant considers needs to happen for the matter to be resolved to his/her satisfaction.

8.3.3 The Registrar, or appointed nominee, will acknowledge receipt of the IICP College Complaint Form where possible within ten working days of receiving this.

8.3.4 The Registrar will review the Complaint Form to ensure that it complies with the complaints procedure and whether it ought to be dealt with under different of policies and procedures, such as Academic Reviews, Rechecks and Appeals.

8.3.5 If the complaint is to be investigated under this Complaints Policy, a copy of the Complaint Form will be given to the respondent and a copy of the response to the complainant. All further exchanges will be copied to both parties.

8.3.6 The Registrar will appoint the Head of Academic Studies, or another experienced member of faculty who is not implicated in the complaint, as investigator to investigate the matter. The investigator will, in consultation with the College decide upon the investigation procedure to be adopted. The investigator will set out the terms of reference, indicating the scope, processes and time frames of the investigation, and circulate to all parties. Investigations may involve:

8.3.6.1 Dialogue with senior management in instances where the complaint relates to direct service provision (but does not fall within the remit of other IICP College policies).

8.3.6.2 Conducting individual meetings and/or interviews with the complainant and the parties named in the complaint.

8.3.6.3 Interviewing parties who may have been present at the time of incident(s) relevant to the complaint.

8.3.6.4 Facilitation of a meeting between the parties or holding a hearing.

8.3.6.5 Mediation.

8.4 The timing of this stage will be indicated in the Terms of Reference for the investigation. All reasonable efforts will be made to adhere to the time limits. Should any delay occur, the investigator will inform all parties, in writing, outlining the proposed change to the timeline and the reason for the delay.

8.5 On completion of the investigation all parties will be issued with an outcome report in writing by the investigator.

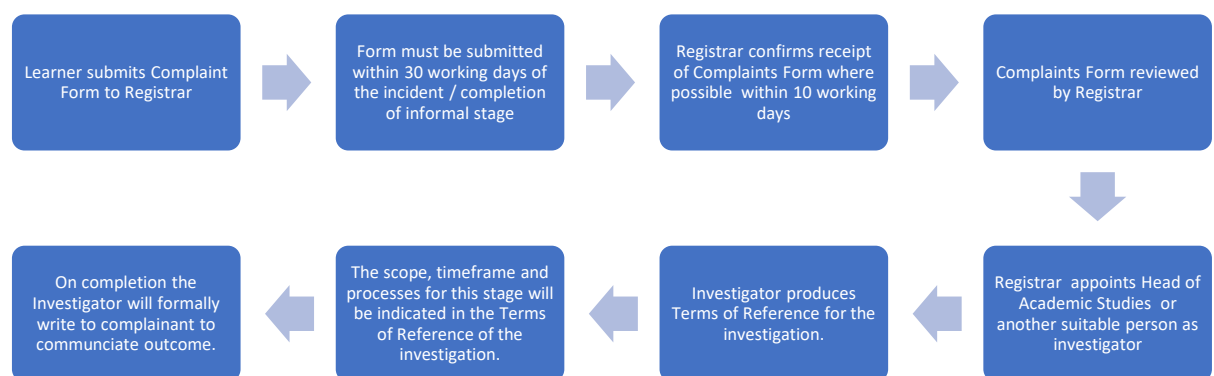
8.6 Unless already utilised, conciliation or mediation may be discussed, with the agreement of all parties and IICP College. Where there is agreement to mediate, the following procedures will apply, and the parties must confirm their agreement to those procedures in advance:

8.6.1 IICP College will nominate a minimum of two mediators, with the choice of mediator from amongst this nomination to be agreed between the parties.

8.6.2 In order to facilitate the mediation process and enable it to be concluded, the timeline for complaints procedures may be extended.

8.6.3 IICP College will appoint a staff member to attend any meetings or hearings to ensure that obligations of IICP College are adhered to.

Figure 2: Formal Procedure: Timeline of Step One (Summary Only)



8.7 Formal Procedure Step Two: Appeals

8.7.1 Appeals can only be made in the following circumstances:

8.7.1.1 There was procedural irregularity in terms of the conduct of the investigation.

8.7.1.2 That significant new information relevant to the original complaint is available that could not have been or was not made available to the investigation.

8.7.1.3 That the decision was made without due regard to the facts, evidence or circumstances.

8.7.2 To initiate an appeal, the complainant must submit to the Registrar a Request for Appeal in writing in the form set out in Appendix 3, within 30 working days from the date of the written outcome report. The written Request for Appeal should outline the grounds for appeal.

8.7.3 Upon receipt of the written Request for Appeal, the Registrar will refer the case to the Programme Leader, or appointed nominee (hereafter referred to as Programme Leader) who will acknowledge receipt of the written Request for Appeal where possible within ten working days. The Programme Leader will evaluate whether the appeal falls within one of the named grounds for appeal.

8.8 If the Programme Leader determines that the appeal falls within the specified grounds, then he or she will request the Academic Council to convene a Complaints Appeals Panel. Membership and procedures of the Panel are governed by IICP College's Procedures for Hearings and Appeals.

8.9 Where reasonably possible, the Complaints Appeals Panel should be convened within 21 working days of the receipt of the written request for appeal.

8.9.1 A minute taker will also be appointed to take minutes of the process.

8.9.2 The Complaints Appeals Panel will be provided by the Registrar, with all the documentation relating to the initial complaint, the investigation thereof, the outcome report and the appeal documentation submitted by the student.

8.9.3 The circumstances of the appeal shall dictate the most appropriate course of action which shall be determined by the Complaints Appeals Panel in its sole discretion. The Complaints Appeals Panel will have power to gather any

additional information that is necessary to evaluate the specified grounds of appeal. The Complaints Appeals Panel will set out the Terms of Reference of the appeal, indicating the scope, processes and time frames. This may include further interviews and meetings with the complainant, named parties and witnesses to any alleged complaint, or holding a formal hearing. The Complaints Appeals Panel will communicate the Terms of Reference to any parties required to participate in the process. Appeals will be processed as expeditiously as possible.

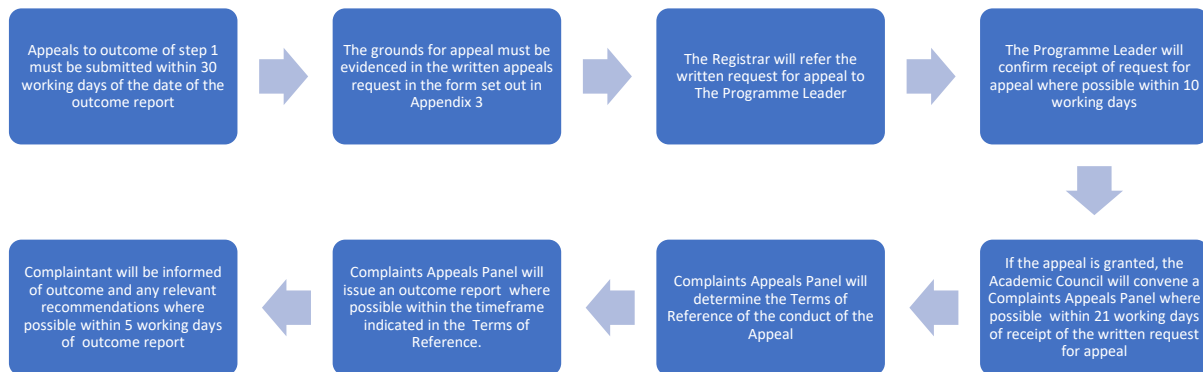
8.10 The Complaints Appeals Panel will issue a report confirming the outcome of the appeal within the timeframe indicated in the Terms of Reference. In the event of delay the Chair of the Complaints Appeals Panel will inform all parties, in writing, outlining the proposed change to the timeline and the reason for the delay.

8.11 The Chair of the of Complaints Appeals Panel will notify the appellant, in writing, of the outcome of the appeal within 5 working days of the date of the outcome report of the Complaints Appeals Panel where possible.

8.12 The decision of the Complaints Appeals Panel is final and binding on all parties.

8.13 A summary report of any complaints procedure investigation and/or appeals hearing will be submitted to the Academic Council which will comprise of a statement outlining the basis of the complaint/appeal along with the findings of the Complaints Appeal Panel as part of the College's overall quality enhancement procedures. This report may also identify any difficulties with the operation of the procedure, and suggest improvements.

Figure 3: Timeline of Step Two (Summary only)



9 Right of Attendance and Representation

9.1 Any learner, staff member or named party in a complaint has the right to attend any complaints or appeal hearing convened for evaluating the complaint or how it was handled.

9.2 Any learner, staff member or named party in a complaint has the right to have representation in attendance, hear the presented evidence, dispute evidence and to present his or her own position at any complaints or appeals hearing.

9.3 A representative who accompanies a learner, staff member or named party may be a class peer, a staff member or an adviser. Learners are responsible for the costs associated with any representative they choose to bring with them.

9.4 Should a learner, a staff member or named party choose not to have representation in attendance, they will be requested to submit a formal declaration in writing confirming that they have been informed of the right to be accompanied by representation and that they have chosen to decline the right to be accompanied (See Appendix two).

9.5 If a complainant or respondent fails to attend any arranged hearing, the hearing will proceed in their absence.

Appendix 1: Complaints Form for Learners:

Personal Details	
Student Name:	
Student Number:	
Programme Title:	
Stage of Programme:	
Address for Correspondence*:	
Telephone Number:	
Email Address:	

**For a group complaint, please append a list of all complainants on a separate page.*

Please Note: In any investigation of a complaint, any party named in this form will be informed of the complaint, as will the Programme Co-ordinator and Registrar.

Outline of the Complaint: In the space below, please provide an outline of the complaint you are making, including detail and dates of actions taken or failed to be taken by the named parties in your complaint:

Steps Taken to Date: In the space below, please outline what steps you have taken, at an informal level, or at a formal level, to resolve your complaint through dialogue and discussion?

Further Information: Please outline the reasons you do not feel the response you have received thus far has resolved the matter?

Ideal Outcome: Please indicate below, in your view, what would need to have happened, or what you consider needs to happen, for the matter to be resolved to your satisfaction.

Declaration:

1. I confirm that the information contained within this form and in any supporting documentation submitted with this form is accurate.
2. I confirm that I am willing to participate fully in any investigation of the complaint I am raising.
3. I have read the Complaints Policy and understand the process, potential consequences and outcomes of lodging this complaint.
4. I understand that investigation of my complaint requires that the details of my complaint (including my identity) may be shared with the person who is the subject of the complaint, so they can respond. These details may also be shared with potential witnesses.

Signed: _____

Dated: _____

Appendix 2: Right to Decline Representation Form

Personal Details	
Student Name:	
Student Number:	
Programme Title:	
Stage of Programme:	
Address for Correspondence*:	
Telephone Number:	
Email Address:	

**For a group complaint, please append a list of all complainants on a separate page.*

1. I confirm that I have been informed of my right to have representation accompany me to any hearing related to a complaint that I initiate or am named in

2. I confirm that I choose to exercise my right to decline representation at any hearing related to a complaint that I initiate or am named in

Signed: _____

Dated: _____

Appendix 3: Request for an Appeal for Learners:

Personal Details	
Student Name:	
Student Number:	
Programme Title:	
Stage of Programme:	
Address for Correspondence*:	
Telephone Number:	
Email Address:	

**For a group complaint, please append a list of all complainants on a separate page.*

Grounds for Appeal: In the space below, please identify the ground(s) on which you wish to rely on in making this Appeal (Please tick all that apply).

1. There was procedural irregularity in terms of the conduct of the investigation.
2. That significant new information relevant to the original complaint is available that could not have been or was not made available to the investigation.
3. That the decision was made without due regard to the facts, evidence or circumstances.

Further Information: For each ground you wish to rely on, please provide a summary of your Reasons for Appeal under the following headings:

Ground 1: There was procedural irregularity in terms of the conduct of the investigation

a) Please explain why you believe this to be a ground for appeal.

b) Please outline any evidence that supports your application for appeal on this ground.

c) Please attach any documents that support your application for appeal on this ground.

Ground 2: That significant new information relevant to the original complaint is available that could not have been or was not made available to the investigation

d) Please explain why you believe this to be a ground for appeal.

a) Please outline any evidence that supports your application for appeal on this ground.

a) Please attach any documents that support your application for appeal on this ground.

Ground 3: That the decision was made without due regard to the facts, evidence or circumstances

a) Please explain why you believe this to be a ground for appeal.

b) Please outline any evidence that supports your application for appeal on this ground.

c) Please attach any documents that support your application for appeal on this ground.

Declaration:

1. I confirm that the information contained within this form and any supporting documentation submitted with this form is accurate.
2. I confirm that I am willing to participate fully in any investigation of the appeal
3. I have read the Complaints Policy and understand the process, potential consequences and outcomes of lodging this application for an appeal.

Signed: _____

Dated: _____