

Students Complaint Policy



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Velindre University
NHS Trust

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PURPOSE

The policy aims to ensure that complaints procedures are conducted in a fair and transparent manner, ensuring that any cases are dealt with in a timely manner by appropriately independent staff, with outcomes proportional to the case.

This policy is designed to enable students to raise legitimate concerns without fear of disadvantage or recrimination and to enable the Velindre Oncology Academy (VOA), in turn, to be able to investigate such concerns in full.

The VOA may terminate consideration of a complaint if it considers it to be frivolous, vexatious or malicious. Where a complaint is found to have been brought with frivolous, vexatious or malicious intent, this may itself prove grounds for disciplinary action against the complainant.

SCOPE

This policy applies to all students of the VOA, at any level of study.

Complaints about staff will be referred to the appropriate HR procedure; this procedure will have separate timelines from those outlined in this policy.

Complaints about other students will be referred to the appropriate policy, which will have separate timelines from those outlined in this policy.

This policy excludes external complaints about the VOA which are handled separately. Please refer to the Velindre University NHS Trust handling concerns policy.

The VOA will not consider any complaint where the main issues complained about took place more than 3 years before the complaint is received.

The following are normally not dealt with under the complaints process:

- A concern about a decision made concerning progression, academic assessment and awards.
- Dissatisfaction about the outcome of an academic misconduct or disciplinary process.
- Concern about a decision made under other specific policies, e.g. support for study, fitness to practise.
- Complaints about payments from Student Finance should be raised with that organisation using their complaints procedure

AUTHORISED PERSONNEL

Head of the Velindre Oncology Academy

REFERENCES/RELATED DOCUMENTS

- Admissions Feedback, Appeals and Complaints
- Admissions Policy
- Academic Appeals Policy
- Submission of Work for Assessment

Velindre Oncology Academy (VOA)

Definitions:

With regards to Complaints the following definitions are used:

“Complaint” – an expression of dissatisfaction by one or more students about an action or lack of action, or about the standard of service provided by the VOA.

“Student” - any person enrolled or registered to follow a Programme of Study or module(s) offered by the VOA and persons who have been students of the VOA for up to 3 months after they have left the VOA.

PROCEDURE

Introduction

This policy covers the Velindre Oncology Academy procedures in relation to complaints and concerns arising in the course of study.

Early Resolution Procedure

Most complaints can be resolved simply and swiftly in an informal manner, at a local level, by discussing the issue or concern with the relevant person.

For issues relating to a module or a programme of study, the relevant person will normally be the Programme Manager.

For concerns relating to services provided by the VOA, the relevant person will normally be the manager of the department or service concerned.

The VOA encourages students to raise matters of concern as soon as they arise. The VOA seeks, in turn, to find effective remedies to those concerns as quickly as possible and with minimum disruption.

At the informal level, remedies that may be offered include:

- An apology;
- Agreed remedy to learning environment or course;
- Resolution of the concern, e.g. access to service; time table or room change made;
- If an issue or concern cannot be resolved through the informal complaints procedure, the student can raise a formal complaint.

Formal Complaints

Where a Formal complaint has not been raised through the Early Resolution process and it would have been appropriate, the complaint may be referred back to that level.

All complaints will be handled by an appropriately independent member of the VOA.

Procedures for complaints, outlined in this policy, describe the VOA's internal processes. Whilst seeking to ensure consistency of approach and application, the VOA reserves the right to vary the precise details of the procedure applied to the circumstances of a particular case and will inform the student when this is necessary. The VOA will wherever possible seek to adhere to the time limits outlined within these procedures, but in cases where there are special circumstances which require variance from specified time limits, the student will be advised of the reasons for this.

During the application of this policy the VOA reserves the right to adjourn any complaints investigation or panel and reconvene at a later date.

It is expected that students, their representatives and staff will act reasonably and fairly towards each other and will treat the complaint process with respect.

Complaints processes normally do not include meetings that require the presence of the student. Where a student is invited to a meeting, the VOA reserves the right to proceed with such a meeting in the absence of the student, subject to the student having been properly notified of the date and time of the meeting. Where the student decides to leave any meeting associated with the complaint process the VOA reserves the right to continue with such a meeting. Where appropriate, students will be offered the opportunity to attend meetings electronically if attendance in person is not possible.

Where the complaint process includes a meeting with the student, the student will be invited to such a meeting, normally at least two days before the meeting.

Where the student has communicated in response to a meeting notification that they are not able to attend a meeting for a good reason, the VOA will normally rearrange the date of such a meeting.

The student will have the right to be accompanied by a person of their choosing at any meeting associated with the complaint process and is required to inform the VOA in writing in advance of any meeting or panel whether they intend to be accompanied. Legal representation is only allowed in exceptional circumstances.

No meetings will be recorded and the VOA does not allow for any meetings to be recorded covertly. Notes or minutes will be provided for each meeting held.

Students will be supplied with a copy of this policy and procedures and will be made aware of the identity of the Case Officer(s).

The VOA will ensure that all written records related to the case are clear, accurate, and appropriate and will be stored in accordance with relevant data protection legislation.

Submitting a Formal Complaint (Stage 1)

The Complaint shall be sent to the VOA.

Formal complaints must be received no more than 1 month after the informal procedure has ended (where appropriate) and normally no more than 6 months after the main issues complained about occurring.

Simple notice of complaint given in writing by a student within the above deadline shall not be deemed to constitute a complaint and shall not be accepted.

Formal complaints received after these deadlines will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the formal complaint was not raised in a timely manner.

The VOA will not consider any complaint where the main issues complained about took place more than 3 years before the complaint is received.

Initial evaluation, investigation and Recommendations

On receipt of a complaint, a Case Officer shall be appointed.

Care will be taken to ensure that the Case Officer appointed is impartial and not implicated. The Case Officer is normally a member of VOA staff, but could, in exceptional circumstances, be external to the VOA.

If there are any concerns in relation to the Case Officer, parties are asked to express those concerns in writing to the Office of the head of VOA.

The Case Officer shall undertake an initial evaluation to check that the complaint:

- is submitted under the correct procedures;
- does not refer to the behaviour or personal conduct of a member or staff, in which case it will be referred to the appropriate process or procedure, whether informal or formal;
- is submitted within any deadline;
- is in the required format;
- in addition, the Case Officer will assess whether the case requires particularly swift action.

As a result of the initial evaluation, the Case Officer will make a determination as to whether:

mediation or conciliation may be suitable; or

the complaint should be referred back to the early resolution procedure; or

if the complaint needs to be taken forward under the formal processes; or

if the complaint is deemed to lack evidence, be frivolous, vexatious or malicious and should not be taken forward; or

the complaint is deemed out of time.

Where the case proceeds to investigation, the Case Officer will normally forward the complaint to relevant senior officer(s) for further information. The relevant senior officer shall raise the matter with any appropriate member(s) of staff and shall submit a report to the head of VOA within 21 days. Where appropriate, the officer may also make recommendations on possible remedies to the complaint.

On receipt of the report(s), the Case Officer may request a meeting (normally virtually) with the complainant, members of staff and/or request additional evidence/clarifications from any of the parties involved.

The meeting(s) will seek to:

- clarify statements made in the formal complaint;
- confirm the details of the complainant's stated desired outcome;
- share the main points in the initial report.

If required, the complainant shall be invited to communicate via alternative means.

Legal representation is only allowed in exceptional circumstances.

On completion of the investigation, the Case Officer will produce a final complaint investigation report and submit to the head of VOA who will have the final decision. If the head of VOA is implicated, a suitable alternative will be sought.

Outcomes

The head of VOA shall be empowered to take one of the following decisions:

- to reject the complaint;
- to partially uphold the complaint, and to instruct that appropriate action be taken to remedy the situation;
- to uphold the complaint and to instruct that appropriate action be taken to remedy the situation.

Remedies offered may include:

- An apology;
- Agreed remedy to learning environment or course;
- Resolution of the concern, e.g. access to service; timetable or room change made;

- Mediation and conciliation;
- A financial remedy;

The head of VOA may make recommendations for consideration through the VOA's committee structure as appropriate on any matter arising from the consideration of complaints.

The outcome of the Complaint shall be communicated to the student normally within 14 days of the outcome being determined.

Review of Complaints Outcome (Stage 2)

If the student is dissatisfied with the outcome of the formal stage, they may be able to request a review.

A request for a review may only be made on one or more of the following grounds:

- irregularities in the conduct of the complaints procedure, which are of such a nature as to cause reasonable doubt whether the same decision would have been reached had they not occurred;
- the existence of new material evidence which the student was unable, for compelling reasons, to provide earlier in the process;
- that evidence is available to show that the outcome reached at an earlier stage was unreasonable. In this context, unreasonable shall be taken to mean that the outcome was not a possible conclusion which a similar hearing or process of consideration might have reached.

A request for review of the complaint outcome must be received on the required form not later than 14 days after the notification of the complaint outcome.

Simple notice of a desire to request a review by the student within the above deadline shall not be deemed to constitute a formal request for review and shall not be accepted.

A request for review received after the above deadline will be deemed to be out of time and will not be considered unless there is independent evidence to show compelling reasons as to why the request for review was not submitted in a timely manner.

A suitable senior officer shall review the request to ascertain if the request has been made on permissible grounds and if a clear case has been made. They may refuse any request which is not based on the grounds stated above or in which it is apparent that no clear case to review the complaint outcome has been made. The student shall be informed that the request for review has been rejected and that the original complaint outcome stands.

If it is determined that the request has been made on permissible grounds and that a clear case for reviewing the complaint outcome has been made, the senior officer shall consider the request.

In reaching a decision, the senior officer shall base their decision on the evidence of the student's submission together with any further evidence which they consider relevant. This review stage will not usually consider the issues afresh or involve a further investigation. No meeting will be held as part of the review process.

The senior officer shall be empowered to take one of the following decisions:

to uphold the original complaint outcome;

to reverse the complaint decision and uphold the original decision;

to refer the complaint back to the head of VOA;

to instruct that appropriate action be taken to remedy the situation.

The decision of the senior officer shall be final, and the matter shall, therefore, be regarded as closed. There shall be no further discussion of the decision of the senior officer with the student or any other person. There shall be no right to request a further review of the complaint outcome.

The decision of the senior officer shall be communicated to the student, normally within 28 days of receipt of the request to review the complaint.

Definitions / Abbreviations

Velindre Oncology Academy (VOA)

"Student" - any person enrolled or registered to follow a Programme of Study or module(s) offered by the VOA and persons who have been students of the VOA for up to 3 months after they have left the VOA.

Responsibilities

VOA Responsibilities:

- Complaints are overseen by the head of VOA and will delegate a case officer to each case.
- Case Officers fulfil a range of roles in relation to a complaint, including undertaking an initial assessment, undertaking an investigation, and determining an outcome.
- The head of VOA will undertake the review of a complaint unless they are directly named in the complaint, in which case, a suitable alternative will be sought.
- Programme Managers are responsible for dealing appropriately and in line with the policy with informal concerns.
- Student Responsibilities:
- Submitting the complaint on the appropriate form.

- Submitting the complaint within the timeframe.
- Providing any supporting evidence relating to their complaint case.
- Awareness of VOA policies.