

Complaints Procedure

1. Introduction

A complaint may be defined as 'any specific concern about the provision of a programme of study, support service, administrative system or policy operated by ACLT. Or any specific concern about the activities of ACLT students whilst on ACLT events or seminars.'

The formal complaints procedure detailed below is not intended to take the place of informal complaints resolution and all complainants are urged to seek to resolve their complaint informally either before embarking on the formal procedure or at any stage during the procedure.

The complaints procedure consists of two stages:

Stage 1: dealt with by Head of Education Manager;

Stage 2: dealt with by the ACLT Management Board Chair.

This procedure **does not** apply to complaints about academic marks/grades/awards. Anyone who wishes to seek an academic review or lodge an appeal should refer to the Academic Regulations.

Exceptions to the normal Stage 1 and Stage 2 process:

Where a complaint is made by a current member of ACLT staff against another member of ACLT staff, other than the Education Committee Chair, these regulations do not apply and the staff grievance procedure must be used.

Where a complaint is made by a current member of ACLT staff against the Education Committee Chair, these regulations **do not** apply and the complainant shall submit a written statement to the Head of Operations who will invoke the appropriate procedure for personal grievances against the ACLT Management Board Chair set out in the supplementary grievance and disciplinary procedures involving holders of Senior Posts.

All complaints will be handled in confidence and without fear of recrimination. However, it may be necessary for the information disclosed within the complaint to be made known to a third party or parties in order to progress the complaint. Agreement to disclosure will be assumed unless the complainant specifies otherwise, using the complaint pro forma. Individuals against whom a complaint has been made will be advised of the nature of the complaint. Complainants are also referred to the section of this document regarding third party or anonymous complaints.

2. Stage 1 Complaints Process

2.1 The complaint shall be made in writing, setting out the remedy being sought to the address notified. (ACLT: aclt@lawcabs.ac.uk)

2.2 Where the complaint is made in person, by telephone or by email, the complainant will be asked by the recipient to provide a personal email address and/or full correspondence address and to put the complaint in writing, using the pro forma (as this will also facilitate granting of consent to data processing under the Data Protection Act 1998). The complaint must be submitted to aclt@lawcabs.ac.uk either by the complainant or the recipient.

2.3 Where the complaint involve the Head of Operations or Head of Education, the recipient shall forward the details of the complaint to the Education Committee Chair. The Education Committee Chair shall determine who shall initiate an investigation.

2.4 Where the complaint involves the ACLT Management Board Chair, the recipient shall forward the details of the complaint to the CEO of the ACL.

2.5 Where the complaint involves the Student Council see section 3.

2.6 The complainant shall receive a written acknowledgement by the person first receiving the complaint, as promptly as is practical, informing the complainant that the matter is being dealt with.

2.7 Complaints received more than 3 months after the event(s) in question shall not normally be investigated.

2.8 If a complaint is about a person, that person will be informed that a complaint has been made and the nature of the complaint.

2.9 The complainant may be asked to attend a meeting with the person responsible for dealing with the complaint (or nominee) and any person(s) against whom a complaint has been made, in order to progress the investigation of the complaint and to seek a resolution

2.10 The complainant shall be advised in writing of the outcome of the investigation **normally** within 20 working days of the date of the written acknowledgement of the complaint.

2.11 If at any stage of the investigation it is found that there are grounds for the complaint:

a) in the case of a complaint about an ACLT student, the student disciplinary procedure will be invoked;

b) in the case of a complaint about members of ACLT staff (other than holders of Senior Posts) made by persons other than current members of staff (when the staff grievance procedure applies), the staff disciplinary procedure will be invoked;

c) in the case of a complaint about holders of Senior Posts (other than the ACLT Management Board Chair) made by persons other than current members of staff (when the staff grievance procedure applies), the disciplinary procedure for holders of Senior Posts will be invoked;

d) in the case of general complaints, action shall be determined by the Head of Education or other holder of a Senior Post.

2.12 This concludes stage 1 of the complaints process

2.13 If the complainant still remains unsatisfied by the outcome, the complainant should follow stage 2 of the process by submitting a written request by email or letter to the ACLT Management Board Chair within 10 working days of receipt of the outcome of the investigation (stage 2 process).

3. Stage 2 Complaints Process

Following the invocation of a stage 2 complaint:

3.1 Upon receipt of a stage 2 complaint, the ACLT Management Board Chair may elect a senior member of ACLT staff to investigate on his/her behalf as their nominee.

3.2 The ACLT Management Board Chair (or nominee) shall, normally within 20 working days of the matter being reported to him/her, examine the evidence and shall be entitled to call for such papers, to examine such witnesses and to conduct such other enquiries into the matter as s/he may think fit. The ACLT Management Board Chair shall determine the nature of any subsequent action. The ACLT Management Board Chair may decide at this point that no further action is required in which case his/her decision is final and will conclude the ACLT's procedures. A "Completion of Procedures (CoP) letter" will then be issued to the complainant.

3.3 If the ACLT Management Board Chair considers there is foundation for the complaint, s/he may:

- a) in the case of a complaint about an ACLT student, invoke the student disciplinary procedure, which provides for a formal hearing;
- b) in the case of a complaint about members of ACLT staff (other than holders of Senior Posts or the ACLT Management Board Chair) made by persons other than current members of staff (when the staff grievance procedure applies), invoke the staff disciplinary procedure;
- c) in the case of a complaint about holders of Senior Posts (the Head of Operations or the Head of Education) made by persons other than current members of staff (when the staff grievance procedure applies), invoke the disciplinary procedure for holders of Senior Posts;
- d) in the case of a complaint about general matters, the Management Board Chair may decide to respond personally to the complainant at the conclusion of the investigation. In such instances, the Management Board Chair shall make this known at the point at which it is forwarded to the Head of Education for investigation. Exceptionally, the Management Board Chair may refer the matter to an independent person appointed by the Management Board who shall investigate and report to the Management Board. Responsibility for determining and implementing any remedy shall rest with the Management Board. The Board's decision shall be final and there shall be no provision for appeal against that

decision. This will conclude the ACLT's procedures and a CoP letter will then be sent to the complainant;

3.4 In the case of a complaint in relation to the Student Council as a body, invoke the procedure set out in section 4: Role of the Management Board Chair

3.5 The Management Board Chair (or nominee) will conduct a further investigation (stage 2) using the process set out above and advise the complainant of the outcome, normally within 20 working days of the matter being reported to him/her. This will conclude the ACLT's procedures. A CoP letter will then be issued to the complainant.

4. Exceptions to the above processes

Role of the Management Board Chair

4.1 Complaints about the conduct of individual members of the Management Board whilst acting in that capacity other than the Chair of the Management Board shall be made in writing to the Management Board Chair who will normally refer the matter to the ACL Education Committee Chair or to an independent person for review or determine such other action as is deemed appropriate. The complainant will be informed in writing of the outcome of the review.

4.2 If a complainant who has made a complaint in relation to the Student Council remains unsatisfied, the Management Board shall examine the evidence and shall be entitled to call for such papers, to examine such witnesses and to conduct such other enquiries into the matter as s/he may think fit. The Management Board Chair shall determine the nature of any subsequent action, following consultation where appropriate, and so advise the complainant. The Management Board Chair may decide at this point that no further action is required in which case his/her decision will be final and will conclude the ACLT's procedures.

4.3 A CoP letter will then be issued to the complainant.

Role of the Head of Operations regarding complaints involving the Management Board Chair

5.1 The Head of Operations shall follow the procedures set out in paragraph 1. This process will involve one stage only, at the end of which a CoP letter will be issued.

5.2 **In the case of a general complaint involving the Management Board Chair**, the Head of Operations shall consider the detail of the complaint and determine the nature of any subsequent action, which may include reference to an independent person appointed by the ACL Education Committee.

5.3 **In the case of a complaint against the Head of Education**, the Head of Operations shall advise the Management Board Chair whether the case shall proceed for investigation, or

whether the complaint appears to be vexatious or malicious: the Head of Operations shall (on behalf of the Management Board Chair) write to the complainant informing him/her of the procedures to be adopted, or the rejection of the allegations and the reasons for this rejection; anonymous allegations will be treated on their merits, but may be rejected on this ground alone if the Management Board Chair deems it appropriate.

5.6 The Head of Operations shall inform the complainant of the decision of the Management Board Chair when the final decision is made, which shall incorporate a CoP letter.

5.7 The Management Board Chair shall appoint a current Education Committee Member and two other persons either current or former Education Committee Member(s), to form an ad hoc committee of the Council to consider the allegation; the CEO and the Head of Operations shall normally be in attendance at any meeting of the ad hoc committee.

5.8 The Management Board Chair shall consider the recommendation of the ad hoc committee and decide an appropriate course of action; if, as a result of the findings of the ad hoc committee, the Special Committee is convened it must not include members of the ad hoc committee.

5.9 The Chair of the ad hoc committee shall invite the Management Board Chair to submit written evidence in reply to the allegation.

5.10 The Chair of the ad hoc committee, after consulting the other members, shall recommend to the ACL Chair an appropriate course of action; this may include, but shall not necessarily be limited to: rejection or, where it appears that the ACLT may need to consider suspension or dismissal of the Management Board Chair, referral to the full Council and adherence to the procedures connected therewith. Before making the final recommendation the Chair of the ad hoc committee may recommend to the ACL Chair that further investigation be made, and/or further evidence sought, and/or a hearing with the complainant and the Management Board Chair, the procedures for these actions shall be determined according to the nature of the case but shall be agreed with the complainant if possible.

5.11 This procedure cannot be used to raise issues already covered in, nor to replace the normal procedures for employment tribunals or disciplinary hearings.

5.12 The ACLT shall attempt to complete the investigations of the ad hoc committee within two calendar months of the receipt of the complaint; if there are good reasons why a longer period appears necessary this shall be communicated to the complainant.

6. Procedure for complaints involving the Student Council

6.1 If a complaint is received against a student or students of the ACLT whilst representing the Student Council, or where the complainant is dissatisfied in their dealings with the Student Council or feel that they have been unfairly disadvantaged by exercising their right not to be a member of the ACLT Student Council, the matter shall be referred to the Chair of the Student Council for investigation. If there appears to be a substantive case, the Chair of the Student Council (or nominee) will invoke the *ACL Student Council Complaints and Appeals Procedure*.

6.2 If the complaint concerns the Chair of the Student Council, the ACLT complaints procedure shall apply (see sections 1-3 above).

6.3 If the complaint is in relation to the behaviour of the Student Council as a body, the matter shall be referred to the Management Board Chair direct.

7. Third Party or Anonymous Complaints

7.1 Complaints made in writing by a third party or anonymous source will normally be given consideration at the discretion of ACLT. However, in exercising this discretion the factors to be taken into account will include:

- a) the seriousness of the complaint;
- b) the likelihood of confirming the allegation from attributable sources.

7.2 Anonymous complaints made against individuals will not normally be progressed.

8. Vexatious, Frivolous or Untrue Complaints

8.1 If an individual makes a complaint in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. However, if the investigation of the complaint reveals the allegation to be vexatious, frivolous or untrue in nature ACLT reserves the right to dismiss the complaint. The complainant will be notified of this decision in writing as soon as possible. The complainant will be informed that complaints that are found to be vexatious, frivolous or untrue in nature are deemed to be an abuse of process. If the complainant is a student or a member of staff and the complaint is deemed to be vexatious and/or untrue disciplinary action will be taken against him/her. If the complainant is a student or member of staff and s/he persists in making frivolous complaints disciplinary action may be taken against him/her.

9. General Provisions

9.1 If the normal time scale (20 working days from the date of the written acknowledgement of the complaint) does not allow for full or appropriate investigation of the complaint and response to the complainant then the time limit may be extended by the person responsible for dealing with the complaint and notified to the complainant.

9.2 In all cases the complaint shall be formally and sensitively acknowledged in writing by the person first receiving it, as promptly as is practical, and informing the complainant that the matter is being dealt with.

9.3 Throughout this procedure the Management Board Chair, Head of Operations and Head of Education may nominate a senior member of their staff to act on their behalf in relation to any complaint.

9.4 Complainants may seek advice on procedural matters from the Head of Operations. Students may also seek help and advice from the Education Manager.

9.5 ACLT will meet any reasonable and proportionate incidental expenses necessarily incurred by a successful complainant.