



## **THE EIRT TRAINEE COMPLAINTS AND APPEALS PROCEDURES**

EIRT is committed to creating a positive and friendly training environment that is free of harassment, coercion and unfair treatment. In order to assist in achieving this, EIRT has developed an easily accessible, inexpensive and independent complaints and appeals procedure that is available for all trainees to access.

The EIRT aims to handle complaints and appeals in a way, which is sympathetic, fair, and efficient, which encourages informal conciliation, facilitates early resolution, maintains individual privacy and confidentiality, and permits useful feedback.

EIRT will make prompt decisions within the timelines specified in this policy.

### **Definitions**

**Complaint** – A complaint is a dissatisfaction with the manner in which one is treated or with any service provided by EIRT.

Examples of complaints include, but are not limited to:

- Complaint about the manner with which one is treated by an EIRT Faculty member, staff member or other trainees
- Complaint about the state of facilities and/or resources
- Complaint about the time taken to receive feedback on any training result

**Appeal** – An appeal is a dissatisfaction with a decision made by EIRT.

Examples of appeals include, but are not limited to:

- Appeal of an assessment decision made by a Faculty member
- Appeal of any decision made regarding a complaint

### **Trainee complaints: management and administration**

The EIRT Expert Council has overall responsibility for trainee complaints including communications with the EIRT office.

### **Trainee complaints: initial informal procedures**

Trainees wishing to make a complaint or appeal against a decision already made should, in the first instance, consult with one of the Faculty member or the Director of EIRT.

It is advisable to voice concerns as soon as possible and to seek informal conciliation if possible, as this facilitates early resolution. Raising an issue can often resolve a problem without the need for any further action.

If, however, a trainee feels that a complaint has not been dealt with satisfactorily at the initial, local level, other, more formal procedures are available.

### **Trainee complaints: formal EIRT procedures**

This procedure may be used only if there are no other, more specific arrangements available for dealing with a particular complaint. This procedure is set out in full, below.

### **Trainee Complaints Procedure approved by the EIRT**

A complaint will normally be about a problem encountered by a trainee in connection with educational or other activities or services provided by the EIRT. It will not necessarily be directed towards anybody, whether a person or an body, although some complaints may be directed towards individuals or EIRT bodies. Complaints principally arise about matters covered by other specific procedures.

The purpose of the complaints procedure is, in so far as is possible, to resolve problems. For this reason, a complaint should be made promptly, in an attempt to resolve it quickly and informally. The procedure, therefore, has three stages, and the EIRT Expert Council expects that most problems will be solved in the first two stages of advice, and informal process. The three stages are:

1. Discussion and Advice
2. Informal Process
3. Formal Process

Each stage is described in a later section.

### **Some general points about the Trainee Complaints Procedure**

The trainee is entitled to fair and independent consideration of a complaint. The rights of the trainee and the rights of any person complained against are both important and must be kept in balance. Every effort will be made to ensure that both are treated with fairness and dignity. Complaints will not be treated as though lodged against the EIRT unless that is stated to be the case. There will be separation provision for discussion and advice stage and for formal process or adjudicating on a complaint. The trainee should not suffer any reprisals for making a complaint in good faith and with a belief that s/he has suffered injustice and therefore raise the matter.

The trainee may withdraw a complaint or stop the process at any time in Stage 1 or 2 and, in Stage 3, with the consent of the Chairman of the Expert Council. Personal privacy will be respected. Confidential information will not be communicated without the consent of the trainee, other than in exceptional circumstances (for example in reporting an alleged criminal offence to the Police). The trainee can choose their own adviser and representative to assist him/her in the process. These may not necessarily be the same person. Trainees are free to go to whoever they prefer.

Complaints will be dealt with promptly to ensure that any delay does not hinder a fair resolution. Minor complaints will normally be resolved at an early stage. A

complaint can only be brought by a student affected, although several affected students may act together.

If a complaint is upheld there should be a satisfactory remedy or outcome, which may include:

- a full explanation;
- an apology (which is not an admission of liability);
- the matter being put right if possible;
- if appropriate, some kind of financial recompense (for example if the trainee had paid for something which s/he did not receive);
- preventing the recurrence of harm.

Written records will be kept of complaints. The trainee will have access to the documents submitted about his or her case, and those taking part in the complaint will be informed that this is so. Otherwise, the records will be confidential.

### **Stage 1: Discussion and Advice**

**1.1.** It is very important to get early advice about problems. Often, this can resolve the matter quickly and informally.

**1.2.** Normally, a trainee would seek the advice of some of his/her Faculty member or the Director of EIRT.

**1.3.** The trainee can expect to be given advice on how to proceed and on an appropriate course of action, advice about what would constitute an appropriate remedy, and an opportunity to consider whether there is indeed a complaint to be addressed. The trainee will then be in a position to decide whether to proceed further, and how.

### **Stage 2: Informal Process**

**2.1.** It is in the interest of the trainees to raise the complaint early so that it can be dealt with promptly in an informal process. If there has been a delay in raising the complaint, the trainee should explain the reason. The trainee should if possible record the complaint in writing (the advice about a written statement in Stage 3 may be helpful).

**2.2.** The trainee should, if possible, raise the complaint directly with the person responsible for the matter. It may not always be easy to do this if the complaint is about the conduct of this person: if for some reason the trainee cannot go directly to the person alone s/he should ask for someone else to be present, or should raise the matter with another person in the EIRT.

**2.3.** If possible, a suitable solution will be agreed and implemented, to solve the problem.

**2.4.** If the trainee is dissatisfied with the outcome of such an informal process, s/he may consider whether to raise the matter formally through Stage 3.

### **Stage 3: Formal Process**

**3.1.** Trainee must exhaust informal routes before making a formal complaint, or give a good reason for not doing so. A good reason might be that the problem is particularly serious, or that when it was raised informally there was a refusal to deal with it. Informal processes are suitable for dealing with many problems, but if a complaint includes very serious allegations, and especially where a person complained against must have an opportunity to give his or her side of the matter, it is necessary to refer straight to Stage 3. If informal routes seem not to have been exhausted a formal complaint may be referred to informal resolution.

**3.2.** A trainee wishing to make a formal complaint must do so in writing. The written statement begins the formal process and must include a description of what has happened that gave rise to the complaint including dates, times, and other details. It is necessary to show that something has gone wrong in the discharge of an EIRT duty towards the trainee, and that the trainee had suffered as a result. The statement should include:

- a) the name of the person or EIRT body about whom/which the complaint is made (but a complaint need not necessarily be against a person or body);
- b) the name of any witnesses who will corroborate the complaint, including a written statement from each to say that they have given their consent;
- c) documentary evidence, together with a list of contents and numbered pages;
- d) an outline of what action a trainee would like to be taken or what remedy s/ he is seeking;
- e) if desired, the name of the person who has agreed to accompany, support, or represent the trainee at any meeting or hearing;
- f) it would be almost always sensible for the trainee to discuss the written statement of the complaint with an appropriate adviser (for example those named in paragraph 1.2).

The complaint should be addressed to the Chairman of the EIRT Expert Council.

**3.3.** The EIRT Expert Council will establish a Complaints Committee for a particular complaint. The complainant cannot be a member of the Committee. The trainee will have an opportunity to object, for good cause, to a person designated be a member of the Committee and the EIRT Expert Council will rule on the objection.

**3.4.** The written statement of the complaint will also be referred to any person or the EIRT body concerned, so that they can, if they wish, make a written response, to be considered by the Complaints Committee.

**3.5.** The Complaints Committee will normally hear the representations about the complaint in person, but may also determine that the complaint should be dealt with on the basis of written submissions without a hearing. If a hearing takes place, an adviser or friend may accompany the trainee.

**3.6.** The Complaints Committee will issue a report to the EIRT Expert Council. The report will contain findings about the complaint, and may make recommendations as to remedies, if any, to be adopted, or other action recommended to be taken.

**3.7.** The Complaints Committee may terminate the proceedings, if it is determined that a complaint is rejected as vexatious or frivolous, or refer the complaint for informal resolution as in Stage 2.

**3.8.** Legal representation and legal advice are not necessary in Stage 3.

**3.9.** The Complaints Committee will not (without the agreement of those concerned) take into consideration documents or information which are not available to the trainee, the Complaints Committee, or to any person or EIRT body concerned. The Complaints Committee may request disclosure of documents requested by the trainee or any person or body concerned. The Complaints Committee will seek to ensure that appropriate safeguards are made for the confidentiality of disclosed documents.

### **Timing**

A complaint under Stage 2 or 3 shall be dealt with within three months of the occurrence of the matter complained about. A complaint under Stage 3 following on from one under Stage 2 shall be made within three months from the day the complaint was brought. In exceptional circumstances, the Complaints Committee can allow a longer time should there be a justifiable reason for that.

## **The Appeals Procedure approved by the EIRT**

### **Trainee Appeals**

The EIRT defines an appeal as 'a request for a review of a decision taken by an individual or EIRT body charged with making decisions about trainees' progression, assessment, and awards'.

Complaints about an EIRT training process that leads to a decision, or about any service provided by the EIRT, are not included in this definition. They are dealt with separately under the EIRT formal complaints procedure.

There are three stages to the EIRT appeals procedure:

#### **Stage 1: Query**

When the trainee first queries a decision, the query is usually referred to the EIRT Expert Council or the individual that shall convey a reply to trainee.

#### **Stage 2: Formal Appeal**

If the trainee is dissatisfied with the outcome of his/her query and thinks that they have sufficient grounds, s/he can make a written formal appeal.

#### **Stage 3: Review**

Following the outcome of trainee's appeal, if trainee remains dissatisfied s/he can ask the EIRT Director to review his/her case. The Director is the final authority on trainee related matters but s/he cannot overturn an EIRT Expert Council decision.

### **Timing**

The trainee must make a query or appeal or seek a review within a reasonable time. This should be no more than 28 days after the decision was conveyed to him/her. Queries, appeals or reviews received later than this will be considered to be 'out of time', except when exceptional circumstances prevented the trainee from submitting it. Ideally, the trainee should submit his/her query, appeal or review as soon as possible, to enable the EIRT to consider and respond to it in a timely manner.

### **Rights and responsibilities of EIRT are to:**

- deal with queries, appeals and reviews within the time limits set out here and in any separate procedures;
- explain the grounds on which trainee must base his/her appeal if it is to be considered;
- make sure that all the points the trainee raises are properly and impartially considered, and that there is no potential conflict of interest;
- explain the outcome clearly, and ensure that trainee knows what further steps are open to him/her;
- allow a person of his/her choice to accompany trainee to any hearing;
- respect confidentiality by disclosing only the information that is necessary to consider the respond to trainee's appeal, and only to staff who need it for those purposes;
- always be polite.

### **If a trainee wants to query or appeal against an EIRT decision s/he should:**

- check if the decision is covered by separate EIRT procedures or regulations, and if there is a time limit within which a query or appeal must be submitted;
- make a written appeal to the EIRT Expert Council;
- state the decision that the trainee is concerned about, set out the grounds for his/her query, appeal or request for a review and the sequence of events with reference to any earlier communication;
- deal sensitively with issues that involve other trainees or staff, and not name them unless it is necessary.

The EIRT does not accept appeals made by third parties on behalf of a trainee unless they have written confirmation from the trainee that they allow for the third party to make an appeal on their behalf.

The EIRT Trainee Complaints and Appeals Procedures was adopted on the proposal of the EIRT Director and shall enter into force the day after its publication on the EIRT website.

In Kranj, February 18<sup>th</sup> 2016

President of EIRT Expert Council  
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