

The Minster Centre

Complaints, Appeals and Fitness to Practice Procedures

Contents

Complaints	Pg. 2
Admissions Complaints Procedure	Pg. 3
Student Complaints and Grievance Procedures	Pg. 5
Appeals	Pg. 12
Fitness to Practice Procedures	Pg. 14

Complaints

If you have a complaint please raise it with the person concerned in the first instance. If you feel unable to do so or are not satisfied with the outcome, you should raise it with your Head of Year/Course Leader or Head of Research/Supervision as appropriate. They will normally offer to facilitate a three way meeting with the person concerned as a means of resolving the issue. Your Head of Year or other relevant staff member will also automatically inform the Director or one of the Deputy Directors of the concern you have raised.

The Minster Centre operates a Students' Complaint and Grievance Procedure which can be used when other avenues for mutual understanding have been explored.

The guiding principles behind our procedure are that complaints will be:

- Treated seriously, consistently and fairly.
- Dealt with quickly, simply and at the appropriate level as far as is possible.
- Progressed through two stages – an informal stage and, if necessary, a formal stage.
- Dealt with and resolved, wherever possible, at the informal stage.

The complaints and grievance procedures of the Minster Centre must be followed and have been fully exhausted before you can follow the Middlesex University "Complaints in relation to collaborative partner institutions" which can be found in the Middlesex University regulations: www.mdx.ac.uk/regulations.

The Centre also subscribes to the Office of the Independent Adjudicator for Higher Education. Please see www.oiahe.org.uk for more information.

Admissions Complaints Procedure

Introduction

The Minster Centre is committed to providing a fair and efficient admissions service and applicants will not be disadvantaged in any way because they have used this procedure.

A complaint may express serious concern about any aspect of the admissions process.

Applicants have no right of appeal against a decision not to offer them a place at the Centre.

Complaints against a decision may only be submitted on grounds of procedural irregularity, or if there is new information which may have affected the decision (with reasons why it was not made available at the time of application), or if there is evidence of any action or decision which is not consistent with the Centre's admissions procedures or Equal Opportunities Policy.

A complaint must be made on an individual basis by the applicant. Complaints made by a third party will not normally be considered.

This procedure and any decisions made under the procedure do not automatically give legal rights to the complainant, nor place obligations on the Centre to pay compensation either in respect of a decision made pursuant to the procedures or for a breach of the procedures.

Procedure Informal Stage

- 1.1 Most complaints can be resolved informally. Applicants should normally raise the matter within 10 working days of the action causing concern and in any case within 2 months or by the start date of the programme or course applied for, whichever is sooner.
- 1.2 In the first instance, the matter should be raised in writing or by email with the Registrar rory@minstercentre.ac.uk who will respond in writing within 20 working days.

Formal Stage

- 2.1 If the complaint is not resolved to the satisfaction of the applicant through this informal means, the complainant should then write formally to Lissie Wright, Director, The Minster Centre, 20 Lonsdale Road, Queens Park, London NW6 6RD. The letter

2.2 should enclose copies of all previous correspondence; explain why the applicant remains dissatisfied and what he/she hoped the outcome would be.

2.3 The Director or a Deputy Director will investigate the complaint fully with relevant staff and/or a third party if it is deemed necessary and reply in writing within 30 working days.

2.4 The decision of the senior manager will be final.

Student Complaints and Grievance Procedures

Introduction

The Minster Centre's grievance and complaints procedure is designed for situations where a student is not happy with a particular set of administrative procedures or where an issue arises between a student and a member or members of staff. In the first instance the objective of this procedure is to see if any grievance can be resolved informally and a good working relationship achieved where all parties feel heard. If this is not possible the matter will proceed to a complaint as set out below.

Please note: Academic decisions with regard to the assessment of work cannot be altered as a result of any grievance made under this procedure.

These procedures, and any decisions made under them, are intended to facilitate the resolution of grievances by the Minster Centre; they are not intended to imply that legal rights or obligations on the Minster Centre to pay compensation will automatically result.

Anonymous complaints will not be considered.

1. Grievance (Informal Stage)

- 1.1 In the first instance you should discuss your grievance directly with the person concerned.
- 1.2 If the matter cannot be resolved in this way you should contact your Head of Year/Course Leader or Head of Research/Supervision (as appropriate) who will make notes about your grievance and will convene a meeting with the parties concerned to discuss the grievance and attempt to find a resolution.
- 1.3 If your grievance is with your Head of Year or other senior staff member and you have undertaken point 1, please contact your alternate Head of Year (if you have one) or another member of a Training Committee (Heads of Year, Course Leaders, Head of Research, Head of Supervision, Deputy Directors) who will make notes about your grievance and will convene a meeting with the parties concerned to discuss the grievance and attempt to find a resolution.

In the event that the process detailed above (points 1.1 to 1.3) does not lead to a resolution then the matter becomes a complaint and takes on a more formal approach.

2. Preliminary to Formal Complaint Stage

If the student is dissatisfied with the result of the Informal Grievance Stage, the complaint should be made in writing using the complaints form and sent to one of the Deputy Directors. This must be done within 15 working days of the completion of Informal Stage.

If your complaint is with one of the Deputy Directors or one of the Deputy Directors has already been involved in the grievance stage, then the other Deputy Director should be sent the complaints form. The Deputy Director will then start the Formal Stage.

3. Formal Stage 1

3.1 If necessary more extensive details of the complaint will be sought from the complainant by the Deputy Director. These will then be sent to the staff member(s) complained against for a response. The staff members have 10 working days to respond to the complaint.

Please note that at this stage materials are only made available to the parties themselves and to the Deputy Director handling the complaint.

3.2 The Deputy Director will review all of the submitted materials and may require clarification or additional information from any of the parties involved. Receipt of this additional information will normally be expected within 10 working days.

3.3 After 15 working days following the consideration of all available information the Deputy Director will decide from the following options:

- The complaint is disallowed. This means that, in the view of the Deputy Director there is no evidence to support the complaint.
- The complaint is upheld with a number of conditions. This means that in the view of the Deputy Director there is evidence to support the validity of the complaint and that some aspects of the organisational or administrative arrangements associated with the Minster Centre will need to be addressed.

3.4 The Deputy Director will submit their finding in writing to the Director and will inform all the parties involved of the outcome. Where a complaint is upheld with a number of conditions the report will stipulate a time boundary in which the identified issues should be addressed.

3.5 If the recommendations are agreed the Director will be mandated to take steps to ensure that they are implemented in full within the agreed time period.

Wherever possible the complaint will be investigated within the time frames indicated. However, if a complaint is received on or after 1st June there may be a delay in the above procedures due to staff commitments to students' assessments and the Assessment Board. If a complaint is received on or after the 1st July action may not be taken until the beginning of the next academic year.

4. Formal Stage 2 - Recommendations not accepted - Appeal Stage

If the decision of the Deputy Director is not acceptable to all parties and you believe there are grounds for an appeal:

4.1 The dissatisfied party must write to the Director within 15 days stating the reasons why they are not satisfied with the decision of the Deputy Director.

4.2 Grounds for an appeal are as follows:

- The Deputy Director has not addressed all of the matters raised in the complaint.
- The Minster Centre has refused or failed to implement the Deputy Director's recommendations.
- The Procedures have not been followed properly without reasonable explanation.

4.3 In such cases the appeal will be referred to someone who did not hear the case under the Formal Stage 1. This can be either:

- A member of the Board of Trustees **or**
- A member of the Training Committee **or**
- An independent external assessor

The choice of who will consider the appeal will depend upon the nature of the complaint. The decision of who will be appointed to consider the appeal will be made by the Director.

4.4 The person receiving the appeal shall:

- Acknowledge receipt of the appeal within 15 days of receipt.
- The person hearing the appeal will consider the evidence, written and other, and, if necessary, hold such discussions with the complainant and any other persons they think appropriate; they may ask for further information in order to fully consider the appeal.

4.5 Having investigated the appeal over a period not normally exceeding 30 working days from their appointment, the person appointed will decide whether:

- The complaint should be progressed through other procedures - in which case the complaint shall be terminated at this stage and the issue handled elsewhere; **or**
- There is no reasonable grounds for the appeal (see 4.2) - in which case the procedure will be complete; **or**
- There is reasonable justification for the appeal.

4.6 The person hearing the appeal shall:

- Make this decision known in writing to the party making the appeal and to the Director.

4.7 If the person hearing the appeal decides there is reasonable justification for the appeal they can either decide to

- Seek to resolve the complaint through recommendations which all parties involved in the complaint shall be invited to accept **or**
- Progress to a complaints panel and hearing.

4.8 The Decision of the person hearing the appeal will be final.

5. Formal Stage 3 - Complaints Panel

5.1 A complaints panel will be convened and arrangements made for a hearing if the person hearing the appeal so decides.

5.2 The person having heard the appeal will normally chair the complaints panel unless she or he is of the opinion that, due to earlier involvement in the complaint, this would not be appropriate. In such cases they will nominate an alternate Chair.

A complaints panel will consist of the following people:

- Representatives from the current and past student body who have had no direct involvement in the grievance or complaint (2 members)
- A representative from the training committee who has had no direct involvement in the grievance or complaint (1 member)
- A lay person (1 member)
- If specialist knowledge is required then the Chair may appoint someone with such knowledge to the panel. This person will be appointed as a consultant to the panel and will, therefore, not have a vote.
- If it proves necessary, the Chair shall have a casting vote to reach a conclusion.

5.3 The Complaints Panel shall hear the complaint within 30 working days of being constituted.

5.4 The Chair of the Panel shall submit a written report to the Chair of the Board of Trustees and the Director within 20 working days of the last Panel meeting; copies will be provided to the complainant and the individual(s) subject to the complaint. The decision of the Panel shall be final.

5.5 The Chair of the Panel shall seek to ensure that any actions arising from the decision of the Panel are taken within the timescale identified in the report and shall report any failure to complete these actions to the Chair of the Board of Trustees and the Director.

6. Notes

6.1 In these procedures:

- Reference to a student is taken to mean an individual student or groups of students
- If the Director, Deputy Director or the person nominated by them to handle the complaints process, is not available due to illness or other unavoidable circumstances, The Senior Management Team will be consulted to decide who will be responsible for managing the complaints procedure.

6.2 Interpretation:

- The Director is responsible for ensuring the implementation of these procedures and his/her decision shall be final except in cases involving a complaint against the Director; in such a case interpretation of the procedures shall be the responsibility of a member of the Board of Trustees or their nominee.
- 'Working day' refers to a day on which the Minster Centre is normally open; it does not include Saturday, Sunday, Bank Holidays, or other designated periods of closure. Outside of term time every effort will still be made to meet the timescales set out in the procedure but there may be delays due to individual holiday arrangements. Delays may occur at any time due to illness or other personal circumstance of any of the parties to the complaint, the external investigator or panel members. In these circumstances, efforts will be made to progress the complaint in the most appropriate way possible and all parties will be kept informed.
- The external assessor will be an experienced counsellor or psychotherapist of good professional standing and will have experience in the training of counselling and/or psychotherapy students. The external assessor will be familiar with the ethos of the Minster Centre and its training methods.

Every effort will be made to focus on the issues raised by the complainant and address these separately from the assessment and tutorial process. It is recognised, however, that where the complaint is about the tutorial process or progress through the training there may be occasions where complete separation is impossible.

Appendix 1

Procedural rules for the conduct of Student Complaints Panel hearings:

1. The Panel shall establish the exact nature of the complaint, establish the facts as far as it is possible to do so and consider the facts in order to reach its decision.
2. Hearings shall take place at dates and times notified in writing to the student, members of staff and any other students concerned. At least 10 working days' notice of the hearing date will be given.
3. The Chair of the hearing shall, at the same time as they notify the date of the meeting, indicate the names of any persons that the Panel intends to call to give evidence together with copies of any statements obtained from those persons which are to be referred to at the hearing.
4. Students and staff members involved directly in the complaint may be accompanied by a person of their choosing. If the student or staff member involved intends to be accompanied, the name and address of the accompanying person shall be given to the Chair of the Panel not less than 72 hours prior to the meeting of the Panel. Legal representation is not allowed at a hearing other than in exceptional circumstances and with the discretion of the Chair of the Panel.
5. It will be the Chair's responsibility to ensure that the hearing is conducted in a way that is respectful to all present, that supports the complaint being treated seriously, consistently and fairly and that is likely to contribute to the Minster Centre upholding the interests of all students appropriately.
6. Student and staff members involved directly in the complaint and persons accompanying them shall be permitted to question, through the Chair, any persons giving evidence to the meeting and to directly address the Complaint Panel.

Any person called upon to give evidence Panel in person may indicate that they will not attend in person and wish the proceeding to rely solely on their previously submitted statement(s). In such cases all other persons called upon to give evidence will be notified of the individual's decision not to attend. In such cases the Panel will continue to deliberate and reach a conclusion.

7. If a student or member of staff wishes to introduce any new documents to the Panel they shall supply copies of all such documents to the Chair of the Panel at least 5 working days before the date of the hearing. The Chair of the Panel may decide to

allow time to examine the documents by adjourning or delaying the meeting of the Panel for a period of up to 15 working days. This may result in an extension to the 30 days specified for the Panel to reach a decision.

8. The Panel can decide to meet in private to prepare for the hearing and can meet in private after the hearing to reach a conclusion. The hearing itself will be held in private.
9. The Chair of the Panel will inform all parties concerned how the hearing will be conducted. The conduct of the hearing will be in line with the principles outlined in this document.

The Chair of the Panel shall report its decision in writing within 20 working days to the complainant, the Director and Board of Trustees.

The Panel's decision will be final. There will be no further internal appeal process.

Students who are registered for an MA or PG Dip with Middlesex University and have followed and exhausted the complaints and grievance procedures of the Minster Centre, can raise a complaint with the University following their complaints and grievances procedure. If you are considering submitting a complaint to Middlesex University please contact Alyson Jaffe (if you are studying on the MA Integrative Psychotherapy and Counselling) or Philip Reilly (if you are studying on MA/PG Dip Professional Practice), the Minster Centre Link Tutors.

The Centre also subscribes to the Office of the Independent Adjudicator for Higher Education. Please see www.oiahe.org.uk for more information.

Appeals

Students are able to appeal against Assessment Board decisions, the outcome of academic misconduct cases and non-academic progression decisions. The Minster Centre uses its own regulations for handling student appeals.

Principles and grounds for appeal

1. The Minster Centre regulations are applied fairly and consistently and in accordance with its equal opportunities policy.
2. All appeals procedures are made transparent through publication in the student handbook.
3. Privacy and confidentiality are assured unless disclosure is necessary to progress the appeal.
4. A student has the right to appeal against an academic decision made by the Minster Centre Assessment Board on the following grounds only:
 - i. That the student's performance in the assessment was adversely affected by illness or other factors which the student was unable, or for valid reasons unwilling, to divulge before the Minster Centre Assessment Panel reached its decision. This must be supported by documentary evidence such as medical certificates.
 - ii. That there has been a material administrative error, or that the assessment(s) was not conducted in accordance with the Minster Centre Regulations governing the course, or that some other material irregularity has occurred.
5. A student has the right to appeal against non-academic Minster Centre decisions such as not allowing progression to an appropriate course or withholding permission to begin clinical work on the following grounds only:
 - i. That his/her assessed performance was adversely affected by illness or other factors which he/she was unable, or for valid reasons unwilling, to divulge to the assessing tutors. This must be supported by documentary evidence such as medical certificates.
 - ii. That there has been a material administrative error, or that the assessment(s) was not conducted in accordance with the Minster Centre Regulations governing the course, or that some other material irregularity has occurred.
6. Every effort will made to resolve an appeal informally before the formal procedure is applied.

Procedure

1. A student wishing to exercise a right of appeal must give notice in writing to the Head of Year/Course Leader, copied to the Director, using the appropriate forms (available on Moodle). This must state the grounds and evidence on which the student wishes to appeal and must be submitted within 28 calendar days from being informed of the decision being appealed against.
2. The Heads of Years/Course Leader and Director will acknowledge receipt of the formal notice and will, whenever possible, explore with the student if there any further possibilities for informal resolution. If a resolution cannot be found two staff from a pool of Heads of Years/Course Leaders/Head of Supervision or Research will review the appeal.
3. If there is no evidence to support the appeal and/or the grounds for an appeal does not meet the criteria then the appeal will be dismissed and the student will be notified in writing.
4. If the appeal satisfies the grounds for either an academic or non-academic appeal the student will be informed.
5. Academic appeals that are upheld will lead to a requirement for the Assessment Board, which includes the External Examiner, to review the original assessment mark/decision. Non-academic appeals that are upheld will lead to a panel, comprising two tutors from a different year and an external professional, reviewing the original decision.

Students registered for an MA are able to appeal against the outcome of Minster Centre academic misconduct cases and appeal results to the University. The Middlesex University Regulations for Appeals apply and these are set out in Section G of the Regulations which is available on line at: www.mdx.ac.uk/regulations.

If you are considering submitting an appeal to Middlesex University against an Assessment Board decision then please contact Alyson Jaffe (if you are studying on the MA Integrative Psychotherapy and Counselling) or Philip Reilly (if you are studying on MA/PG Dip Professional Practice) the Minster Centre Link Tutors.

Fitness to Practice Procedures

Trainees may themselves identify times when they may not be fit to practice. Examples of circumstances which might lead to you needing to take a break from practice or to cease practice could include ill health, bereavement, criminal proceedings, a complaint, change of financial or personal circumstances. If you are aware that there are issues which might be affecting your fitness to practice, you should take these to supervision at the earliest opportunity. It may be that you and your supervisor can agree the best course of action, which might include a short break from practice or additional support. If there is any doubt about the best course of action, the supervisor wants to seek additional advice or you and your supervisor cannot agree on a course of action, your supervisor will consult with the Head of Supervision and your Head of Year.

It is also possible that circumstances could arise where your supervisor feels you are not fit to practice. Supervisors will normally discuss this with you when the issue arises. In consultation with your Head of Year and the Head of Supervision a supervisor may advise or insist that you take a break from practice.

Because of the importance of ethical behaviour and awareness to the professions of counselling and psychotherapy, behaviour by trainees which breaches ethical codes or appears to be in conflict with the ethical values that underpin them, or indicates a lack of moral awareness will be considered particularly seriously and can lead to an assessment of whether the trainee is currently, or may be in future, fit to practice or continue training. Examples of issues which are likely to raise concern include serious breaches of confidentiality, lack of respect for others, abusive behaviour, behaviour that has the potential to put others at risk or bring the profession into disrepute, dishonesty (including misleading representations of qualifications or experience, theft or financial misconduct, taking of shared resources including library books) or academic misconduct. This list is not comprehensive and other issues can lead to concern about ethical behaviour, fitness to practice or be in training.

If an agreed course of action cannot be reached or there has been a significant concern about ethical behaviour assessment of a trainee's fitness to practice or continue training will be carried out by a Fitness to Practice Panel (FtPP). A FtPP will normally be made up of your Head of Year, another member of the Training Committee, your supervisor and another supervisor and Chaired by a Deputy Director of Training. A member of staff will collate the information to be reviewed by the panel and will send a letter to the Trainee outlining the case for the referral to the FtPP and a request for a reflective statement and any evidence that the Trainee wants the panel to consider. Once all the information has been collected a copy will be sent in confidence to the panel members and to the trainee. The FtPP will review the information in private and make recommendations which will be reviewed by the other Deputy Director before being finalised. A letter informing the trainee of the results will be sent by email and in hard copy. A FtPP may require that a trainee should leave the course temporarily or

permanently, cease their clinical practice temporarily or permanently, repeat parts of the course or undertake additional training or supervision. All FtPP outcomes are reported back to, and monitored by, the Training Committee.

A trainee can appeal against the decision of a FtPP. An appeal is a request from a trainee that a decision of the FfPP should be reviewed because it is believed that an injustice has occurred (see below paragraph on grounds for an appeal). A successful appeal results in the FfPP reconvening to review its decision in the light of the new information although it does not necessarily mean that the original decision of the FfPP is changed. All appeals must be made through the Registrar.

An appeal against a decision of the FfPP can only be made on the grounds that:

1. The FfPP process was not run in accordance with the agreed policy.
2. There was an administrative error affecting the outcome.
3. There is additional and relevant evidence that was not seen or was not available at the time the decision was made.

A successful appeal will result in the case being re-submitted to a FfPP with the inclusion of at least two additional members. This new panel will be independently chaired by the Director. The decision of the second panel is final.