

## P9 S13 Complaints Policy & Procedure

<b>Ownership:</b>	Managing Director, Head of Operations, Head of Certification, Complaints Sub-Committee	
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<b>Reviewed by:</b>	Quality Assurance and Academic Governance Council (QAAGC), QA Officer	
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<b>Version:</b>	Two	

### PURPOSE AND POLICY CONSIDERATIONS

Forus Training is committed to providing excellent training and high-quality services to our Learners. The purpose of this policy is to a) detect, b) control and c) rectify any aspect of non-conformance as quickly and efficiently as possible.

Forus Training continuously seeks to improve the Learner experience. From time to time issues arise, and Learners should be supported in expressing their dissatisfaction and seeking resolution to problems encountered. Forus Training takes complaints seriously and endeavors to improve its processes and services by listening to, responding to, recording and resolving Learner's dissatisfaction. The following principles reflect our commitment to resolving complaints as quickly as possible with emphasis on local resolution. Learners should feel free to raise concerns without risk of disadvantage.

Forus Training's complaint handling process comprises two levels;

1. **Review and resolution** at the **Event level** (Level 1) -95% of complaints
  - Complaints that can be easily resolved and relate to a particular event and trainer. For example
    - Learner did not receive learning resources on time.
    - Issue with a training environment that can be easily resolved.
    - A matter of dissatisfaction that can be addressed at event level.
2. **Investigation** at **Forus Training level** (Level 2)
  - Complaints that cannot be resolved at level 1

Click here to view a diagram of this policy [P9 S13 Complaints Policy and Procedure Flowchart](#)

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The aim of this process is to resolve issues quickly and as close as possible to where the issue arises. Therefore, it is expected that most complaints will be dealt with to satisfactory resolution at the first stage. Where resolution cannot be reached (or in instances where a Learner feels that they cannot raise the complaint at the local level) a complaint can be made to Forus Training's Learner Complaints Officer (LCO) Paula Walshe.

We treat the issues raised by complaints as non-conformances. The recording of aspects of non-conformance is carried out in order to promote action for the prevention of future problems, therefore we will maintain records of nonconformities and how they were dealt with.

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### DEFINITIONS

For the purpose of the complaints handling policy and procedure, Forus Training considers a complaint to be an expression of significant or sustained dissatisfaction where a Learner seeks a specific action to address the issue, including an apology.

In the context of the assessment of Learners, a complaint is an expression of a concern that a particular assessment procedure is unfair or inconsistent or not fit-for-purpose. The QQI code of practice ‘defines a “complaint” as the expression of a specific concern about the provision of a course/module, or a programme of study, or a related academic service’.

It is important that this relates to isolated incidents rather than repeated behaviour. Those wishing to make complaints of bullying or harassment should review the P2 S2 C2 Forus Training Dignity and Respect Policy.

### SCOPE

This procedure is applicable to all aspects of our services. This policy works in conjunction with the following policy -

[P2 S3 C7 Corrective Action Policy](#)

### ASSOCIATED DOCUMENTS

- [P2 S2 C2 Forus Training Dignity and Respect Policy](#)
- [P9 S18 Forus Training Assessment Appeals Policy](#)
- [P2 S2 C3 Forus Training Learner Code of Conduct](#)

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### **RESPONSIBILITY**

All staff have a responsibility to effectively manage a complaint received by them and to demonstrate to customers that we listen to what they say, and to follow the procedure outlined below.

### **COMPLAINTS POLICY – POLICY STATEMENT**

All our staff work to resolve issues as quickly and as close to the point of contact as possible. Forus Training intends that the Complaints Policy and its associated documents provide a comprehensive method for the resolution of Learner grievances and complaints. The dignity of all persons involved in a complaint will be respected at all times and all complaints will be handled with appropriate discretion.

The process, as conducted, will be cognisant of the rights of Learners and staff members and appropriate support will be provided to both.

In the operation of this policy, Forus Training will be mindful of and operate in accordance with all legal obligations, including its obligations under equality legislation. Issues raised under this Policy will be processed in accordance with the principle of full consultation during the process and in accordance with the general principles of natural justice and fair procedures that include:

- The Learner concerned has the right to a fair and impartial determination of the issues concerned, taking into account any relevant or appropriate evidence, factors or circumstances,
- A Learner has the right to be accompanied by either a Learner colleague or Learner representative at any stage of this procedure,
- A Learner will not be penalised in any way for raising a grievance matter in good faith, regardless of whether or not the complaint is upheld,
- Every effort will be made to adhere to the time limits prescribed in the procedure,
- All relevant documentation concerning the grievance will be made available to all parties involved at all stages of the procedure,
- A Learner may withdraw a complaint at any stage of the procedure.

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### COMPLAINTS PROCEDURE

#### 3.1 COMPLAINTS

Learners may make complaints about any course, function or service provided by Forus Training or on behalf of Forus Training. The definition of a complaint is necessarily broad and therefore the list provided is intended to guide users and is not intended to be exhaustive. A complaint may relate to the following issues:

- the quality or standard of any service provided or failure to provide a service,
- the quality of facilities or learning resources,
- the failure of Forus Training to follow an appropriate administrative process,
- unfair treatment or inappropriate behaviour by a staff member,
- an alleged action or inaction by Forus Training or a member of its staff.
- Not every issue raised with Forus Training is a complaint. For example, the following are not considered to be complaints under this policy:
  - An appeal seeking a review of an academic decision on assessment, progression, completion or admission,
  - Forus Training provides separate appeals (P9 S18 Review Recheck Appeals Process) procedures to deal with these issues for Learners,
  - An initial request for information,
  - A request under the Freedom of Information Act or Data Protection Act,
  - A request for information or an explanation about a regulation, policy or practice,
  - A response to an invitation to provide feedback through a formal mechanism, for example questionnaire or online feedback,
  - Issues raised at Learner-staff consultative fora.

Where a complaint is deemed to be frivolous, vexatious or where false information is submitted the Learner Complaint Officer, in conjunction with the Chair of Programme Delivery & Assessment Committee, will reject the complaint. In such circumstances the Learner may complain directly to the Managing Director. In submitting complaints, Learners are reminded of Forus Training's expectations in respect of Learner behaviour and conduct as laid out in the Learner code.

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### 3.2 COMPLAINANTS

Those eligible to make complaints under this policy are Learners who are currently registered as a Forus Training Learner or within 20 working days of ceasing registration as a Forus Training Learner that is 20 days after receipt of certification or before if withdrawn. Those seeking to submit a complaint beyond 20 working days of ceasing registration are required to include an explanation as to why they did not submit the complaint prior to their registration having ceased.

- Where a complaint relates to Forus Training's actions in initiating or managing a collaborative relationship the complaint will be considered by Forus Training,
- Third party complaints on behalf of a Learner are not normally accepted. However, if a Learner is unable, because of incapacitation, to raise a complaint on their own, the Learner may authorise another individual to have access to personal information in order to pursue the complaint on their behalf. If a Learner is unable, because of incapacitation, to authorise another individual to pursue a complaint on their behalf, such event will be dealt with in good faith by Forus Training on a case by case basis.
- Learners under 18 years of age may authorise their parent/guardian to pursue a complaint on their behalf.
- Anonymous complaints will not be considered under the Learner Complaints Policy.
- The normal expectation is that Learners will submit a complaint relating to their own experiences only.

For the purpose of this policy a complaint is regarded as frivolous or vexatious when in the reviewer's opinion, the complaint "has no serious purpose, or is intended to cause disruption or annoyance".

### COMPLAINANT

In submitting a complaint in relation to an issue they have encountered, complainants are required to:

- Familiarise themselves with the Learner Complaint Policy and Procedures and associated documentation,
- Refrain from pursuing complaints that are frivolous or vexatious in nature, or which include false information,
- Include relevant supporting documentation when submitting a formal complaint. Complaints submitted at Level 2 of the process must be accompanied by a completed Learner. Complaint: Head of Unit Review form and the written response from the relevant area, except in exceptional cases where the complaint cannot be handled at local level,

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- Pursue resolution of their complaint in a manner that upholds the Dignity and Respect of all members of Forus Training Community,
- Maintain the confidentiality of the outcome of the complaint process,
- Take note of guidelines provided to complainants in relation to outcomes sought.

### FORUS TRAINING LEARNER COMPLAINT PROCEDURE - LEVEL 1

#### COMPLAINANT BEHAVIOUR

Forus Training is committed to the promotion of an environment for work and study which upholds the dignity and respect of the individual and which supports every individual's right to study and/or work in an environment which is free of any form of harassment, intimidation or bullying. Learners are supported by Forus Training in expressing dissatisfaction but are expected to conduct themselves in a courteous and respectful manner, and to refrain from unreasonable demands or persistence.

Should a complainant engage in behaviour that is deemed unacceptable, this will be drawn to their attention and they will be given the opportunity to modify their behaviour. Should unacceptable behaviour persist, Forus Training may be required to restrict or suspend contact with the complainant, and/or have recourse to the Learner Code as appropriate. The following procedures should be read in conjunction with the Learner Complaint Policy.

#### 3.3 Alternative Complaint Policies and Processes

Forus Training provides separate policies and processes for certain categories of complaint. Learners should seek the advice of Forus Training about which is the appropriate complaint mechanism. Alternative complaint processes are subject to the same complaint handling principles outlined below:

- Complaints of bullying and harassment are dealt with under the Dignity and Respect Policy (P2 S2 C2),
- Complaints about the conduct of Learners are normally handled under the Forus Training Learner Code (P2 S2 C3),
- Complaints under the Equal Status Acts 2000 and 2004 may be made pursuant to the procedures set out at Irish Human Rights and Equality Commission (P2 S2 C1),
- Complaints relating to non-compliance with legislation where, under the legislation, Forus Training must appoint a special inquiry officer. For example, the Disability Act, 2005,
- In the event that matters of a staff disciplinary nature arise they will be dealt with separately under our HR policies, at the discretion of Forus Training, through the agreed staff disciplinary process (P5 S26).

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Where a complaint involves an individual member of staff that member of staff has a right to respond as part of the complaints handling process at Event Level (Level 1) and Forus Training level (Level 2).

Under Forus Training policy, bullying is defined as repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work/study and/or in the course of employment/study which could reasonably be regarded as undermining the individual's right to dignity at the place of work/study. An isolated incident is not considered to be bullying. Harassment is defined as "any act or conduct which is unwanted and unwelcome and which could reasonably be regarded as offensive, humiliating or intimidating on any of the following discriminatory grounds: gender, civil status, family status, socio-economic status, sexual orientation, religion, age, disability, race, or membership of the traveller community.

In addition, where the Investigating Officer and the Learner Complaint Officer are in agreement that the matter would be more appropriately dealt with by An Garda Síochána or another statutory body, the LCO will inform the Learner and the respondent. In such cases the matter will be suspended by Forus Training, pending the outcome of the external investigation.

### COMPLAINT HANDLING PRINCIPLES

The purpose of the Learner Complaints Policy and Procedure is to support Learners and staff in situations where a Learner makes a complaint about their experience at Forus Training. In this, the policy sets out the following principles that govern how Forus Training handles complaints:

#### PRINCIPLES

- **Accessible and user-focused:** clearly communicated, easily understood and places the complainant centered,
- **Simple and timely:** involves limited steps and where possible seeks early resolution to the satisfaction of all,
- **Robust and fair:** provides thorough evidence-based investigations in which the complaint handling principles are consistently applied,
- **Supports improvement:** analysis of outcomes will support improvements in service quality.

#### TIMELINES

Forus Training expects that complaints will normally be raised within 15 working days, starting from when the complainant first became aware of the problem. Forus Training will exercise discretion in consideration of complaints after this time limit.



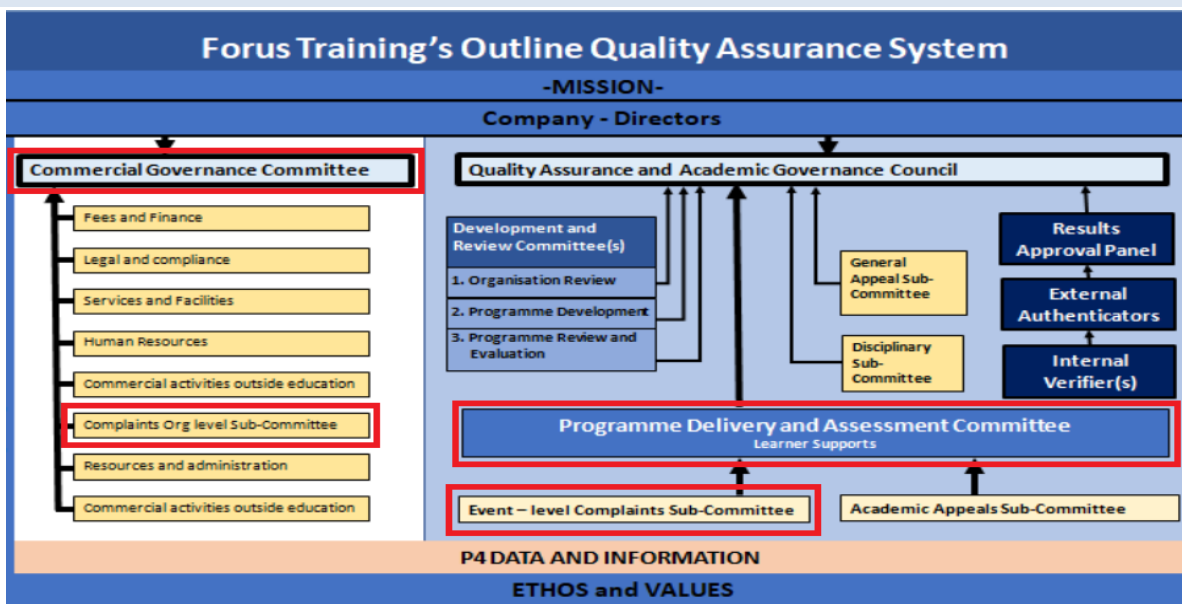
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At a local level, the Head of Unit should ensure that their staff acknowledge and respond to complaints promptly. It is expected that complaints will be resolved within 15 working days of receipt of complaint at local level, and within 15 working days of receipt of complaint for review by the head of the unit. At Forus Training level complaints will be acknowledged within 5 working days and full responses should normally be provided no later than 30 working days after receipt of complaint.

### CONFIDENTIALITY

All staff and Learners who become aware of any of the issues involved in a formal complaint are required to keep this information confidential, except insofar as is necessary to progress, investigate or respond to the complaint. Data collected as part of a complaint will be treated in accordance with Data Protection legislation and will be retained in keeping with Forus Training’s records retention schedule (P4 S1 C2).

### COMMITTEE INVOLVEMENT



Complaint committees may be formed to assist the Programme Development & Assessment Committee to better assess and deal with complaints.

### ROLES AND RESPONSIBILITIES

ALL STAFF

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All staff should be aware of Forus Training’s Learner complaint policy and process and how to handle and record complaints at the local resolution stage. As the majority of complaints are likely to be dealt with locally, staff should be appropriately equipped to respond to complaints, including being given appropriate authority, training and supervision. Complaints are a standing agenda item on fortnightly team meetings and so staff are given clear guidance about the type of complaints they can deal with directly and those that should be escalated.

### MANAGING DIRECTOR

Local responsibility for the implementation of this policy lies with the Managing Director. The Managing Director may delegate consideration of a stage 1 complaint to a relevant staff member. However, the Managing Director retains responsibility and must approve the findings and proposed response.

### OPERATIONS MANAGER AS LEARNER COMPLAINTS OFFICER

Responsibilities:

- Ensuring that the Learner complaint register is established (P9 S13 C2 Complaints Register) and maintained and that data in relation to complaints is provided and reported to the Programme Delivery & Assessment Committee (P1 S5), investigating officers or the LCO as required. Ensure that a record of the nature of the complaint, the time taken to deal with it and the outcome will be maintained,
- Manage complaints received through the process (including logging and tracking of complaints through to completion),
- Ensuring staff are provided with information and guidelines on complaint handling, including good practice guidelines and other relevant publications that may be produced by the Office of the Ombudsman/Office of the Ombudsman for Children,
- Triage complaints: The LCO will review the complaint to ensure it is within the scope of the policy. Where that matter does not fall under the Learner Complaint Policy and process the LCO will advise the complainant of this, and may direct the complainant to an appropriate alternative process. The triage process will identify whether the complaint is at level 1 or level 2.
- In consultation with the Chair of Programme Delivery & Assessment Committee (PDAC P1 S5), advise that the complaint cannot be considered where the complaint is deemed to be frivolous, vexatious or containing false information,

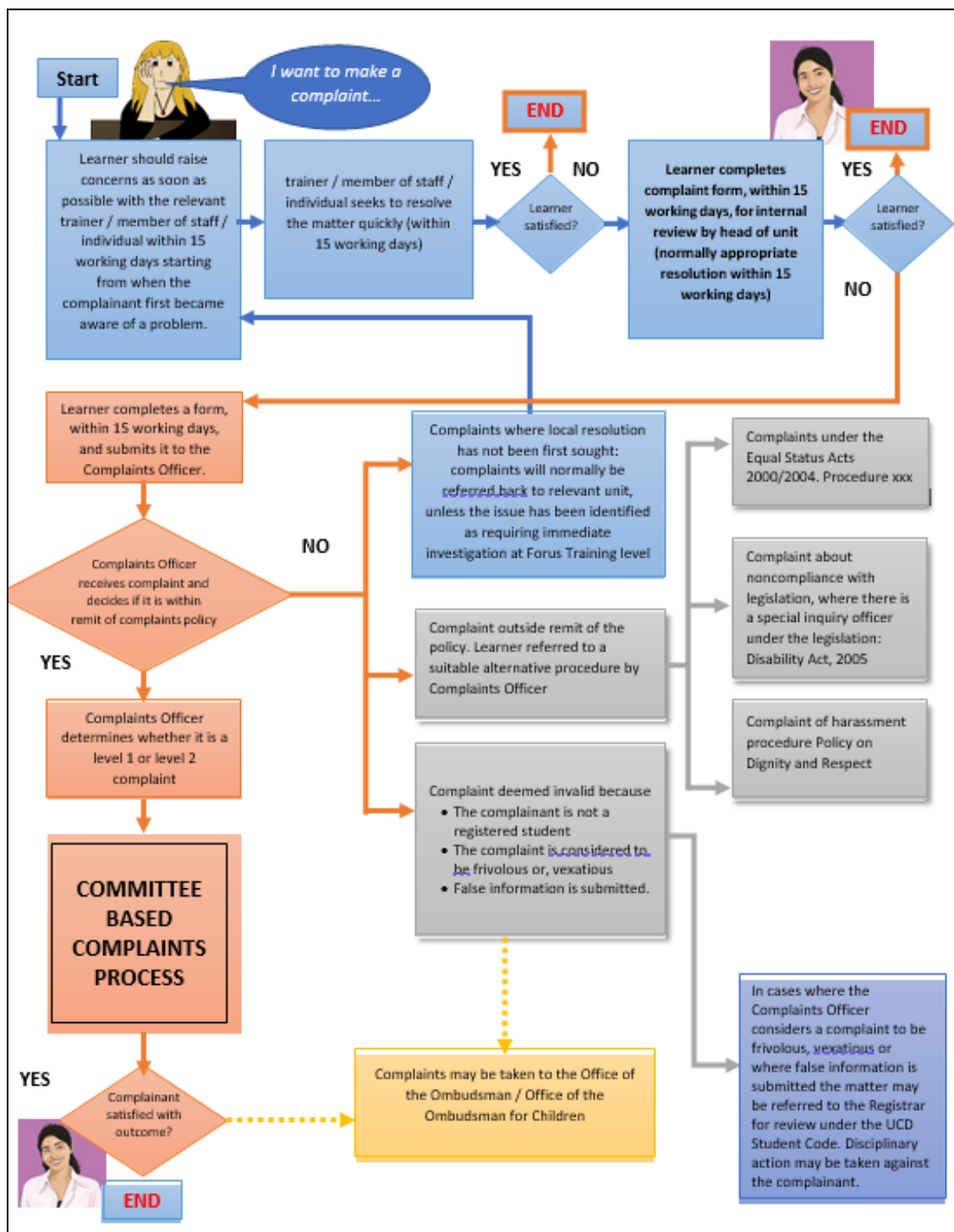
Level 1	Level 2
Ensure resolution to complainant’s satisfaction.	Ensure the matter is passed to the PDAC.

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	Liaise and communicate with complainants and respondents relating to complaint investigations and their outcomes, and or delays to process,
	Ensuring that both the complainant and respondent comply with the recommendations for resolution made by the Investigating Officer.
	Report incidents of non-compliance with outcomes of an investigation to the Chair of the Programme Delivery & Assessment Committee (PDAC P1 S5),

### COMPLAINT TRIAGE PROCESS

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### INVESTIGATING OFFICER

The Quality Assurance Officer carries out the role of Investigating Officer. The Investigating Officer is a suitably trained staff member responsible for the conduct/leading of the complaints investigation and co-ordinating the response to the complainant.

The Investigating Officer has clear remit to investigate effectively and reach robust decisions on more complex complaints. This will require clear direction and support from the Programme Delivery & Assessment Committee (PDAC P1 S5) for Learner Complaints on the extent and limits of discretion and responsibilities in investigating and recommending resolutions to complaints.

The Investigating Officer will have had no prior involvement with a case. Should a Complaints Committee be appointed at a later stage to handle a complaint where the investigating officer has been involved an external chair will be appointed to the committee to avoid overlap between people involved in the investigation and those involved in reviewing the decision.

Level 1	Level 2
None	Submit all reports and recommendations to the Programme Delivery & Assessment Committee (PDAC P1 S5) / or appointed sub-committee for Learner Appeals and Complaints for final decision.
	Reviewing the complaint, taking account of any documentation supplied by the complainant and information supplied by the relevant area(s) of Forus Training (including where the complaint involves an individual member of staff as respondent),
	Meeting with the complainant, the respondent and any staff named in the complaint, or those identified by the Investigating Officer as able to provide information relevant to the complaint.
	Preparing a written report, including recommendations for resolution any recommended procedural changes to service delivery.

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### PROGRAMME DELIVERY AND ASSESSMENT COMMITTEE

The Primary functions of the Committee in relation to Learner Complaints include:

- Provide oversight of Learner complaints management and operation of Learner complaints handling,
- Report to Quality Assurance and Academic Governance Council annually,
- Liaise with Investigating Officers,
- Make final decisions in all Learner complaint cases,
- Monitor and review the Learner complaint policy and procedure, making recommendations for revisions where relevant,
- Establish subcommittees as necessary for the effective execution of its functions.
- Adjudicate where the complaint is received 20 working days after ceasing registration.

### GOVERNANCE OF COMPLAINTS - COMMITTEE MEMBERSHIP

Individual Job Roles	Core Committees			Supporting Committees
	Commercial Governance Committee	Quality Assurance & Academic Governance Council	Programme Delivery & Assessment Committee	Complaints Sub-Committee
Independent Further Education Advisor		Chair	Member	
2nd Independent Further Education Advisor				Chair (Alternate)
Industry Non-FE Executive	Chair	Member		
Trainer Representative (may differ)		Member	Member	Member [2]
Learner Representative (may differ)		Member	Member	
QA Officer		Member [3]	Member	Chair
Programme Development and Design Lead			Member	
Head of Certification		Member	Chair	
Head Of Operations - HR function	Member	Member	Member	

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Managing Director / Head of Centre	Member	Observer		Member
Course Coordinator	Member			
Accounts Manager (Senior Financial Officer)	Member			

[1] Trainer Representative is a member of the General Appeal Sub-Committee (Non-Grade Related) on the basis of issue presented, ensuring objectivity and subject matter expertise.

[2] Trainer Representative is a member of the Complaints Sub-Committee on the basis of the issue presented, ensuring objectivity and subject matter expertise.

[3] QA Officer acts as the link between the P1 S5 PDAC and the P1 S4 QAAGC.

[4] Managing Director / Head of Centre is an observer in the process of the following committees (no casting vote) Quality Assurance & Academic Governance Council, all Development and Review Committees.

### P1 S5 C2 Complaints Sub-Committee

#### [P1 S5 C2 Meeting Agenda for Complaints Sub-Committee](#)

<b>Purpose:</b>	<p>The Complaints Committee is an ad hoc committee drawn up to consider a complaint in accordance with the <a href="#">P9 S13 Complaints Policy &amp; Procedure</a>. The complaints sub-committee reports to the Programme Delivery and Assessment Committee or the Commercial Committee depending on the nature of the complaint.</p> <p>Membership based on significance of complaint (level, module etc.):</p> <p>Minimum 3 persons:</p>
<b>Chair:</b>	Quality Assurance Officer / 2nd Independent Further Education Advisor
<b>Membership:</b>	<p>Head of Centre</p> <p>Trainer Representative</p>

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<p><b>Duties and responsibilities (of committee and roles):</b></p>	<p>Provide and maintain an effective and relevant Complaints Policy and Procedure.</p> <p>Oversee the implementation of procedures in place for the investigation and resolution of complaints regarding Trainers.</p> <p>Ensure, through appropriate management and training practices overseen by the Chair of the Complaints Committee, that the conduct of investigations are of a standard sufficiently high to minimise the risks to Forus Training of inadequate investigation practice.</p> <p>Recommend to the Programme Delivery &amp; Assessment Committee such changes and enhancements to the Complaints Handling and Resolution Process as it considers appropriate, so that it reflects developments in legal or employment and other best practice.</p> <p>Raise awareness of the Complaints Policy and Procedure.</p> <p>Assess and make recommendations on any learning points arising from complaints.</p>
<p><b>Meeting details:</b></p>	<p>As above - all information pertaining to the complaint.</p>
<p><b>Information / data requirements</b></p>	<p>All documentation / correspondence relating to the complaint at hand.</p>
<p><b>Reporting Requirements: Approval Sign Off.</b></p>	<p><b>Further Communication / Adjudication on minutes</b>  <a href="#">Meeting Minutes for Appeals Sub-Committee</a></p>



## **P9 S13 Complaints Policy & Procedure**

### PROCEDURE

#### **Level 1: Local Resolution at event / service level**

LEVEL 1 – Local Resolution Learners are advised to raise concerns as soon as possible (and no later than 15 working days) after becoming aware of an issue, directly with the course/trainer where the issue has occurred. At this stage complaints may be made face-to-face, by phone, by email or letter.

Learners are encouraged to put the complaint in writing.

1. The receiver of the complaint should bring the complaint to the attention of the LCO by email,
2. The Template **P9 S13 C3 Complaint Response Initiation** is emailed to complainant and CC'd to the LCO,
3. The complaint resolution is to be actioned by the LCO or the LCO causes the complaint to be resolved,
4. Should there be an update the Complainant is informed via e-mail by the LCO as to action taken.

**Where a complainant is not satisfied with the initial response received or the complaint is more serious in nature,** the Learner P9 S13 C3 Complaints Form should be completed. The Learner is prompted to put their complaint in writing by sending them the complaint template e-mail [TEMPLATE P9 S13 C3 Complaint FORM](#).

Learners should explain the nature of their complaint clearly and concisely, provide as many relevant details as possible and indicate what outcome they seek.

Each level 1 complaint is reviewed when reviewing complaints, the Learner Complaints Officer should;

- Where possible, hold face-to-face discussions separately with the Learner, and any relevant staff member,
- Review any documentation supplied by Learner, and information provided by any relevant staff member,
- Determine, based factual information, whether the complaint should be upheld, with reference to the specific action to address the issue sought by the Learner,
- Communicate formally in writing the outcome of the review to the Learner within 15 working days,
- The communication should inform them that if they are dissatisfied with the outcome of this process they may submit a complaint to Forus Training's LCO for formal investigation - escalation to level 2. It should also provide information on how they may do so and the timeframe within which the complaint must be raised (15 working days from the date of the email sent informing them of the outcome),
- Where the timeframe of 15 working days for resolving the complaint cannot be met, inform the Learner and respondent outlining the reasons for the delay and when it is anticipated that the outcome will be available instead.

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### **Level 2 - Forus Training Level Investigation**

Level 2 of the procedure deals with two kinds of complaints:

1. Complaints that could not be satisfactorily resolved at the local level (Level 1),
2. Complaints that have been identified as requiring investigation at Forus Training level from the start.

Complaints made at Level 2 are handled by the LCO.

**Submitting a Complaint** - Level 2 complaints should be submitted using the Learner Complaint Form: Forus Training.

LCO logs the complaint and acknowledges receipt of the complaint to the complainant within five working days.

Submission of a Level 2 complaint will not automatically result in a Forus Training level 2 investigation, as it will need to be triaged first, as before.

Where relevant, the complaint is passed to the chair of the Programme Development and Review Committee (PDAC).

### **COMPLAINT REVIEW BY PROGRAMME DEVELOPMENT AND ASSESSMENT COMMITTEE**

The PDAC

- Review complaint
  - Appoint Investigation officer (IO) or Complaints Committee (CC)
  - Query that appropriate steps have been followed at Level 1, where appropriate.
  - Investigation for Level 2 complaints, the PDAC will appoint the Investigating Officer.
  - Review reports
- 
- Should the complaint not be satisfactorily resolved it may be referred to the complaint's sub committee (membership below), should the Learner wish to appeal the outcome of the complaint.

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### OUTCOMES

**OFFICE OF THE OMBUDSMAN** If a Learner has exhausted Forus Training’s internal complaint process and remains dissatisfied with the handling of their complaint they may complain to the Office of the Ombudsman. Learners under the age of 18 should refer their complaint to the Office of the Ombudsman for Children. Information on how to complain to the Office of the Ombudsman and its processes of investigation can be found on the Office of the Ombudsman website at: <https://www.ombudsman.ie/making-a-complaint/makea-complaint/>

Amendment History			
Amendment summary sheet			
Revision	Date	Amendment summary	Training Requirements
002	16/12/2020	Initial release	Read and Review
003	19/04/2022	Updated name of LCO	

If you are making amendments to this policy, once reviewed by the Quality Assurance and Academic Governance Council, please publish it again at this link: