



Complaints Policy and Procedure

Review date: 22/12/2021

Introduction

The Complaints Policy is intended to bring matters of concern to the attention of the College and facilitate the timely investigation and addressing of these concerns. The process provides welcome feedback to help the College continually improve.

In circumstances where the level of service falls below the standard that might be reasonably expected, learners are entitled to make their concerns known and, if this does not resolve the matter, pursue a formal complaint.

No complainant bringing a complaint under this policy will be treated less favourably by any member of staff. If there is evidence to the contrary, the member of staff may be subject to disciplinary proceedings.

If a learner is found to have made a malicious complaint, this could lead to disciplinary action being taken. Anonymous complaints cannot be investigated.

Separate procedures exist for the following:

- Learner discipline – covered by the Code of Conduct and Disciplinary Procedure
- Staff complaints – covered by the Grievance Procedure
- Assessment and examination complaints – covered by the Appeals Procedure of the relevant awarding body

This policy sets out the responsibilities of both learners and the College where a learner or a group of learners wishes to pursue a complaint. Learners are reminded that advice on this policy can be requested from the Head of Compliance, Sharna George (Sharna.George@clarksonevans.co.uk) who will also be able to support and guide learners through this process.

This policy is distributed to all staff and learners within the college. This policy is available on the website and the e-portfolio Learning Assistant. A hard copy can be requested from the training administration team at any time.

Objectives

The objective of the Complaints Policy and Procedure is:

- to ensure all complaints are handled fairly, consistently and, wherever possible, resolved to the complainant's satisfaction.
- to ensure a thorough investigation of all complaints received.
- to make improvements to services for learners and the quality of provision by acting on feedback and recommendations made following investigations.
- to accurately record, monitor, and report all complaints.

The College aims to respond to complaints within 15 working days; however, some complaints, especially if the issue is complex, may take longer to investigate. The college will contact the complainant to advise them if the investigation is likely to take more than 15 working days and will keep them informed of the progress.

Responsibilities

The Head of Compliance is responsible for the policy and for ensuring that the college responds to complaints in accordance with the procedure set out within the policy. The Head of Compliance is also responsible for ensuring that analysis of complaints is reported to the Board of Directors and Training Management Team.

A relevant manager will be assigned as the investigation lead to investigate the complaint. The investigation will be conducted thoroughly, and the findings reported to the Head of Compliance to provide a written response to the complainant.

The Head of Compliance is responsible for the day-to-day implementation of this procedure including the administration of complaints and maintaining records of those received.

Stages

Informal (Stage 1)

It is recognised that some concerns will be raised informally and can be dealt with immediately. Normally these concerns should be raised promptly and directly with a lecturer, assessor, or the Head of Compliance.

It should be noted that a written record or response to issues raised at this early stage would not normally be made if both parties feel satisfied with the outcome.

If the complainant does not feel that their concerns have been addressed by the member of staff with direct responsibility, or that they cannot discuss it with them, they should make a complaint to the Head of Compliance at Sharna.George@clarksonevans.co.uk.

Formal (Stage 2)

A learner who wishes to make a formal complaint will need to email the Head of Compliance a formal complaints form which can be accessed online, or a hard copy that is available in appendix 1. The formal notification should be received promptly and always within three months of the incident occurring in order for the matter to be considered. Formal complaints which are raised three months or more after the incident occurred will normally be deemed to be out of time and will not be considered unless the learner provides a good reason, supported by evidence, for the delay.

On receipt of the formal complaint, the college will log the complaint and acknowledge its receipt within three working days.

The investigating manager will make a judgement based on evidence gathered and will decide to:

- uphold or partially uphold the complaint, propose an amicable settlement, or take appropriate steps to address the issue; or
- dismiss the complaint as unfounded, giving reasons.

A formal written outcome letter along with details of any remedy will be provided to the complainant within 5 days of the decision. The letter will outline the reasons for the decision reached along with guidance on how a learner can appeal against the decision and the grounds on which they can do so.

A Formal Stage Complaint is concluded when the formal written outcome letter is sent to the learner.

Appeals (Stage 3)

Learners who are dissatisfied with the outcome of the Formal Stage Complaint Procedure may request a review of the outcome based on one or more of the following grounds:

- There has been a clear breach of due process which has demonstrably affected the outcome of the Formal Complaint;
- The outcome of the Formal Complaint is reasonable given the facts of the case;
- There is new evidence which the learner was unable – for valid reasons – to provide when the Formal Complaint was made, and which would have materially affected the outcome of the complaint.

This review stage will not normally consider issues afresh or involve a new investigation. A complaint must have been considered and concluded at the Formal Stage before it can be escalated to this stage.

An appeal should be submitted in writing to the Chief Executive Officer Lindsey Young (Lindsey.Young@Clarksonevans.co.uk) within 14 calendar days of receipt of their formal investigation response.

Appeals to the Education and Skills Funding Agency (ESFA) (Stage 4)

If an apprentice has exhausted all steps contained in the College Complaints Policy and Procedure, they can contact the Education and Skills Funding Agency (ESFA) at complaints.ESFA@education.gov.uk or by post at:

Customer Service Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

The ESFA does not deal with complaints about employment issues. Further information can be found on the Gov.uk website at <https://www.gov.uk/complain-further-education-apprenticeship>.

Complainants must contact the ESFA within 2 months of the date of their appeal response.

Confidentiality

A written record will be kept for all formal complaints, and at what stage they were resolved. The written record will include any actions taken by the College as a result of the complaint, whether it was upheld or not.

Correspondence, statements, and records relating to individual complaints will be kept confidential except where a body conducting inspection under section 109 of the 2008 Act requests to access them. In accordance with data protection principles, details of individual complaints will normally be destroyed following each Ofsted inspection. In exceptional circumstances some details will be retained for a future period as necessary.

Monitoring and Reporting

The Training Management Team will oversee the tracking and monitoring of complaints progressed through the procedure. The Head of Compliance will assess whether it is appropriate, following a complaint, to carry out an investigation into wider systemic issues.

The Head of Compliance will review the Complaints Policy and Procedure annually. Any feedback from learners and staff will be taken into account when updating the procedure.

Appendix 1

Learner Complaint Form

This form must be completed by learners who wish to pursue a complaint at either Stage Two (Formal) or Stage Three (Appeal Against Outcome) of the College Complaints Procedures.

Learner Name	
Contact Address	
Postcode	
Email Address	
Telephone Number	
Details of Complaint	
Complainant Signature	
Date	