



## **COMPLAINTS PROCEDURE**

**Issue : 1.5**  
**Date : 13 March 2020**

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**AMENDMENT HISTORY**

| <b>Issue</b> | <b>Date</b> | <b>Author</b>        | <b>Description of Change</b> |
|--------------|-------------|----------------------|------------------------------|
| 1.0          | 19/10/14    | S Margison           | First Issue                  |
| 1.1          | 10/06/15    | S Margison           | Changed contact details      |
| 1.2          | 23/11/15    | E. Williams-Margison | Review & Update              |
| 1.3          | 12/12/16    | E. Williams-Margison | Review & Update              |
| 1.4          | 21/11/17    | E. Williams-Margison | Review & Update              |
| 1.5          | 13/03/20    | S Margison           | Convert to complaints only   |

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## 1. Key Purpose and Objectives

This complaints policy aims to ensure that complaints are resolved as fairly and quickly as possible. It also aims to ensure that, where practical, lessons can be learnt, and improvements made to the service which Semester: L&D offers.

This policy covers areas of Semester: L&D activity where an individual or group has a complaint arising from their Semester: L&D experience. The Policy should not be used where an issue is covered by any other Semester: L&D policy. In such cases students of Semester: L&D will be advised and directed to the appropriate policy.

## 2. Scope

All Further, Higher Education and general Semester: L&D complaints are managed via this procedure.

## 3. Key responsibilities

The Complaints team are responsible for:

- Ensuring that this procedure is available to all Semester: L&D users
- Logging complaints and monitoring response times
- Supporting the Investigating / Appeals Officer as required
- Recording and reporting on the outcomes of formal complaints
- Ensuring that central records relating to formal complaints are securely stored for a maximum period of six years
- Ensuring all complainants are aware of their rights in relation to accessing personal data related to the complaint.

The Investigating / Appeals Officer is responsible for:

- Carrying out a full and balanced investigation into the complaint / appeal
- Complying with the timescale for completion
- Providing a written response to the Complaints team
- Maintaining and filing investigation notes and information on complaints for three years.
- Keeping the Complaints team updated regarding all aspects of the investigation.

## 4. General Principles

4.1. Semester: L&D is committed to providing the highest quality of service which aims to meet and preferably exceed the expectations of all customers.

4.2. Users of Semester: L&D have the right to complain if they are dissatisfied, and should expect to be dealt with fairly, amicably and quickly.

4.3. Decisions taken as the result of an investigation will be balanced and reasonable.

- 4.4. No student/employer bringing a complaint under this procedure, whether successfully or otherwise, will be disadvantaged. Should evidence to the contrary be found, the matter will be fully investigated and, if necessary, disciplinary proceedings may be taken.
- 4.5. Semester: L&D may consider invoking the disciplinary procedures under the Student Disciplinary Policy in those cases where complaints are found to be vexatious or malicious. A vexatious or malicious complaint is defined as a complaint which is patently unsustainable, having been put forward so as to abuse the process of the Complaints Policy or, for example, to attempt to defame the name or character of another person.
- 4.6. All Semester: L&D staff have the right not to be subjected to aggressive, offensive or abusive actions, language or behaviour, regardless of the circumstances. Semester: L&D will take the minimum action required to address such unacceptable behaviour, for example:
- require that contact is made with a specified member of staff only
  - terminate an abusive telephone call
  - decline to accept telephone calls but maintaining at least one form of contact.
- 4.7. Where the same complaint is raised by a number of individuals at a similar time, this will be treated as a single complaint.

## 5. Data Protection

- 5.1. It is expected that all students/employers will assume responsibility for communication with Semester: L&D and for drawing attention to any problems or concerns.
- 5.2. Where a complaint is received from a parent/guardian or other third party on behalf of a student or individual to whom a complaint relates Semester: L&D will accept the complaint and therefore communicate with the parent/guardian or relevant third party only with the express written consent of the student/individual and only on receipt of such consent. Exceptions will only be made in the vital interests of the student/individual, such as where there is serious concern which may impact on the safeguarding or welfare of the individual.
- 5.3. For information on rights and responsibilities within the Data Protection Act, please refer to Semester: L&D's Data Protection Policy.
- 5.4. Where a student is unhappy about the processing of their personal data, they can contact the Data Protection Officer for advice.

## 6. Action on receipt of a complaint

- 6.1. Complaints should be submitted in written or electronic form via letter, e-mail or by completing a complaint form. Complainants will be advised to submit a complaint in writing if they contact the Complaints team via phone. Where a complainant identifies a support need, the Complaints team can assist with compiling a written complaint.
- 6.2. Any complaint sent directly to a member of the Senior Leadership Team will be re-directed to the Complaints team who will process the complaint in accordance with the Complaints Policy.
- 6.3. Where possible, complaints should be dealt with via Route 1 (Informal Stage). Usually, only when this route fails to bring about a resolution should Route 2 (Formal Stage) be initiated. However, in the case of a serious complaint, the matter will usually progress immediately to the Formal Stage. The following are examples of matters that could constitute a serious complaint:
  - A complaint received directly from a regulatory body such as a funding body, police or government department.
  - A complaint which could result in a serious reputational impact for Semester: L&D, including complaints involving injuries or safety at Semester: L&D.

## 7. Informal Stage (Route 1)

- 7.1. Many issues can be dealt with at a local level and where possible it is often best to do so to ensure a speedy resolution. These matters may be handled by any member of staff but support from a line manager may be sought.
- 7.2. There is no requirement for the member of staff making the response to issue a formal letter or submit any other paperwork if the matter is resolved informally, unless the complainant specifically asks for this.
- 7.3. Locally resolved issues do not need to be reported to the Complaints team unless the complaint is:
  - Unusual or unique in its nature
  - Linked to an incident that could have had (or may have in the future) a potentially serious detrimental effect on Semester: L&D's reputation
  - Linked to an incident that could have had (or may have in the future) the potential to lead to injury of a user of Semester: L&D (including Staff).
- 7.4. The member of staff should make notes of the issue and the agreed resolution. These notes should be securely stored for three years from the date of resolution by the employee noting that they may be called upon to produce these by a member of the Complaints team if the matter re-emerges or escalates to become a formal complaint.

## 8. Formal Stage (Route 2)

- 8.1. Where a complaint cannot be resolved informally, or due to the nature of the complaint, it is not appropriate to do so, the matter will be treated as a formal complaint. The complaint (and any accompanying evidence) should be transferred immediately to the Complaints team who will log the complaint.
- 8.2. A complaint will not normally be considered if submitted more than three months after the issue or event occurred, unless there was good reason why it could not have been raised sooner.
- 8.3. Student/employer rights are not affected by making a formal complaint. We are unable to take action on anonymous complaints, unless there are exceptional circumstances. Complaints found to be of a false nature may result in disciplinary action.
- 8.4. The Complaints team will acknowledge receipt of the complaint in writing to the complainant within three working days from the date of receipt.
- 8.5. Timing guidelines for the handling of a formal complaint start on the day of acknowledgement from the Complaints team. The day of acknowledgement of the complaint will be day zero.
- 8.6. An Investigating Officer will be appointed by the Complaints team. This would normally be a manager with direct involvement in the area of the complaint. This ensures that an individual with suitable knowledge and experience is handling the investigation.
- 8.7. There may be instances where it is inappropriate or impractical to involve a manager from within the area as the Investigating Officer. In this case, the Complaints team will decide on an alternative person to act as the Investigating Officer.
- 8.8. The Investigating Officer will aim to conclude their investigation within nine working days of receipt from the Complaints team and send a draft response letter to the Complaints team for approval. The Investigating Officer will also confirm if in their view the complaint was upheld, partially upheld or not upheld.
- 8.9. The Complaints team will send the final response to the complainant within ten working days of acknowledgement of the original complaint and close the complaint. However, deadlines may be extended to consider Semester: L&D holidays due to the availability of relevant staff.
- 8.10. If there is a delay in producing a final written response, the Complaints team will send an update letter to the complainant within ten working days of acknowledgement of the complaint, informing the complainant of the reason for the delay. The Investigating Officer will produce a final written response within ten working days of the date of this update letter.
- 8.11. Copies of all correspondence with the complainant and an Investigation Summary should be sent to the Complaints team for safe, confidential storage.

## 9. Appeals

- 9.1. On completion of the Formal Stage, the complainant has ten working days from the date of the response letter to deliver a completed Appeal Request Form to the Complaints team if they are dissatisfied with the outcome.
- 9.2. An appeal can only be requested on the basis that at least one of the following criteria apply:
  - New evidence has come to light
  - Not all the evidence was considered when coming to a conclusion
  - Other procedural irregularity in the process
- 9.3. The Complaints team will acknowledge receipt of the Appeal Request Form and confirm whether there are grounds for appeal within 3 days of receipt of the Appeal Request Form.
- 9.4. If there are grounds for appeal, an Appeals Officer will be appointed by the Complaints team to review the case. This would normally be someone of equal or higher seniority than the initial Investigating Officer from the Formal Stage.
- 9.5. The Appeals Officer will send a draft response letter to the Complaints team for approval, confirming if the appeal is upheld, partially upheld or not upheld and the reasons for their decision. The Complaints team will send the final response to the complainant within twenty working days, taking the day of acknowledgement of the appeal request as day zero.
- 9.6. Deadlines may be extended to consider Semester: L&D holidays due to the availability of relevant staff. If there is a delay in producing a final written response, the Complaints team will send an update letter to the complainant informing the complainant of the reason for the delay and the revised deadline for completion of the review.

## 10. Continuing a complaint beyond Semester: L&D

- 10.1. Once the complainant has exhausted the internal complaints process, and if a satisfactory resolution has not been achieved, the complainant has a right to complain to Semester: L&D's regulatory body.
- 10.2. Semester: L&D is regulated for apprenticeships for the purposes of this policy by the Education and Skills Funding Agency (ESFA) and as such complaints should be addressed to the SFA Complaints Adjudicator.
- 10.3. Complainants should note that the Education and Skills Funding Agency will only take up a complaint when they are satisfied that Semester: L&D procedure, including appeal, has been exhausted, unless the Agency believes that Semester: L&D is not dealing with a complaint appropriately or effectively, when it may intervene before the procedure is exhausted
- 10.4. Details on the Education and Skills Funding Agency complaints procedure are outlined on their website (<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>)
- 10.5. Semester: L&D is also regulated by Pearson when considering qualifications outside of apprenticeships. (<https://qualifications.pearson.com/en/contact-us/feedback-and-complaints/learners.html>)

10.6. Complainants should note that Pearson will only take up a complaint when they are satisfied that Semester: L&D procedure, including appeal, has been exhausted, unless Pearson believes that Semester: L&D is not dealing with a complaint appropriately or effectively, when it may intervene before the procedure is exhausted

## 11. Higher Education Students

11.1. Higher Education have an additional avenue of complaint, in the form of the Office of Independent Adjudicators (OIA)

11.2. To complain to the OIA students must first register on their website (<https://www.oiahe.org.uk/myoia/>)

11.3. Students can complain to the OIA for any of the following but are not limited to:

- Academic appeals
- Accommodation
- Bullying and harassment
- Disciplinary matters (including plagiarism)
- Discrimination
- Extenuating circumstances
- Fitness to practise processes
- Placements
- Procedural irregularities
- Research supervision
- Teaching provision and facilities
- Unfair practices
- Welfare

11.4. Under their rules, they will not look at certain things, such as:

- Admission issues - unless they are a former student of a higher education provider who is applying for re-admission, and the complaint is related to their time as a student.
- Academic judgment – for example the final mark of a piece of work (but we can look at the marking process e.g bias)
- Student employment
- Ongoing legal proceedings – unless they've been put on hold
- Issues considered by another alternative dispute resolution (ADR) body

**APPENDIX A - COMPLAINTS FORM**

|   |  |
|---|--|
| <b>Learner's Name:</b>  | <b>Registration Number:</b>  |
| <b>Learner's Address:</b>   | <b>Tel No:</b><br><b>Mobile:</b><br><b>Fax No:</b><br><b>E-Mail:</b> |
| <b>Name of Line Manager</b>                                       | <b>Tel No:</b><br><b>Mobile:</b><br><b>Fax No:</b><br><b>E-Mail:</b> |
| <b>Approved Centre Name:</b> Semester: Learning & Development Ltd | <b>Approved Centre No:</b> 05670                                     |

|                             |                            |
|-----------------------------|----------------------------|
| <b>Qualification Title:</b> |                            |
| <b>Qualification Level:</b> | <b>Qualification Code:</b> |

|  |
|--|
| <b>Appeal, Grievance or Complaint Details: (If an appeal, please give specific details of the Qualification and Unit under Appeal, the Assessor and dates and times of the case history as applicable. Please be as specific as is possible about the nature of your complaint and appeal)</b> |
|--|

-----For Office Use -----

|                            |              |                                     |                       |
|----------------------------|--------------|-------------------------------------|-----------------------|
| <b>Received By:</b>        | <b>Date:</b> | <b>Logged By:</b>                   | <b>Date actioned:</b> |
| <b>Action taken:</b>       |              |                                     |                       |
| <b>Appeal actioned by:</b> |              | <b>Date reply or findings sent:</b> |                       |