

CUSTOMER COMPLAINTS– PRO018

1. POLICY STATEMENT

1.1. Colleges' Partnership strives for excellence and aims to continually improve its standards of provision. The Company is committed to providing a high quality learning experience for all Apprentices and will treat each Apprentice fairly and consistently.

2. REASON FOR THE POLICY

2.1. The Colleges' Partnership aims to provide a suitable learning environment that maximises the academic, social and personal opportunities for all its learners. It is recognised that on occasions, problems arise and Apprentices (and other stakeholders) may wish to express concern, disappointment or dissatisfaction with aspects of the quality of services

3. POLICY OBJECTIVES

- 3.1. To ensure that all complaints are dealt with seriously, fairly and consistently
- 3.2. To ensure that all Apprentices, employers and other stakeholders are aware of the process for making a complaint
- 3.3. To ensure that the Colleges' Partnership staff are aware of the process to be followed should a complaint arise
- 3.4. To ensure that complaints are handled sensitively and in line with the Company's Equality and Diversity policy PRO007.
- 3.5. To provide a Complaints procedure that is transparent and provides clear, accessible routes for those wishing to make a genuine complaint

4. POLICY

- 4.1. All complaints will be dealt with seriously, fairly and consistently
- 4.2. All complaints will be dealt with in accordance with the Equality and Diversity and Safeguarding policies
- 4.3. All complaints will be handled sensitively and with due consideration to the confidentiality of both staff and the learner/employer
- 4.4. All complainants will be kept informed, whatever the outcome
- 4.5. Anonymous or malicious complaints will not normally be investigated
- 4.6. Complaints will be recorded, monitored and analysed
- 4.7. Appropriate actions will be taken to prevent the recurrence of complaints where possible
- 4.8. Documentation will be filed in accordance with the Company's Data Protection Policy.

5. DEFINITIONS

5.1. A complaint is a serious expression of dissatisfaction with the services of the Colleges' Partnership requiring an investigation and a response.

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There are separate procedures for:

- Apprentices wishing to appeal against any assessment outcomes – in this instance, learners should use the Assessment Appeals procedure PRO 031
- Staff wishing to complain about any aspect of their employment – in this instance staff should use the Colleges' Partnership Grievance procedures

6. RELATED POLICIES

- 6.1. Equality and Diversity Policy PRO 007
- 6.2. Assessment Procedures PRO 004
- 6.3. Assessment Appeals procedure PRO 031
- 6.4. Safeguarding Policy PRO060
- 6.5. Prevent Policy PRO 061
- 6.6. Examination and Invigilation Policy PRO 068

7. WHO WILL NEED TO KNOW ABOUT THIS POLICY

- 7.1. All staff
- 7.2. All customers/stakeholders

8. RESPONSIBILITY

8.1. All company staff are responsible for:

- Receiving complaints, treating them seriously and dealing with them promptly and courteously in accordance with the procedures outlined in this document

8.2. The Quality Team are responsible for:

- Receive formal complaints, to log and monitor the complaints in accordance with the procedures outlined in this document.

8.3. Managers and Senior Managers are responsible for:

- Taking a lead role in resolving complaints through investigation and response to the complaint.

8.4. The Executive Director is responsible for:

- Resolving complaints that have reached the appeals stage.

9. PROCEDURE

9.1. COMPLAINTS PROCEDURE

9.1.1. Stage One (Informal)

- All concerns should be raised in the first instance with the person concerned and not later than within 10 weeks of the incident. Complainants should normally be directed to the relevant manager unless the Assessor/other staff member can easily resolve the issue. If appropriate, a meeting will be offered between the complainant, staff member (if appropriate) and the

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- manager to try and resolve the issue.
- If a complaint is about a member of staff, it must be referred to the line manager or other line manager.
 - Verbal complaints to any member of staff in public areas and requests to meet with the Executive Director must be referred to the relevant manager of the area which is the subject of the complaint.
 - At this informal stage, complaints may be made in person, by phone or by e mail. The complainant must be kept informed of progress at all stages with a written or verbal response to the complaint within 10 working days. If the issue is not resolved to the complainant's satisfaction the complaint will move to Stage 2.
 - All records of conversations and correspondence must be held on file by the Team manager. Copies of the paperwork must be submitted to the Quality Officer
 - If the manager of the area is unable to resolve the complaint at this stage, it will be referred to the Contract Manager (CM) / Senior Manager (except for the Executive Director) to resolve through Stage 2.
 - Any complainant who does not feel it appropriate to follow the Stage One process due to a conflict of interests may go directly to Stage 2.

9.1.2.Stage Two (Formal)

- If a complainant has been through Stage One (or does not feel it appropriate) then he/she must submit their complaint in writing using the complaints form provided at the end of this policy. The Quality Officer will pass the complaint to the CM / Senior Manager (except for the Executive Director) with responsibility for the specific area of complaint.
- All formal complaints will be acknowledged within 3 working days by the Quality Officer
- The CM / Senior Manager will assign a Manager to investigate the complaint. The Manager chosen will be from the 'other part' of the business
There will be two possible outcomes:
 - Dismiss the complaint as unfounded, giving full reasons for the decision
 - Uphold or partially uphold the complaint, offer an apology and to take appropriate steps to avoid a similar problem arising in the future.
- The manager will investigate the complaint and provide the CM / Senior Manager with the findings within 7 working days.
- An initial response will be provided by the CM / Senior Manager within 10 working days. A more detailed response may be provided at a later date if appropriate, within a timescale determined by the CM / Senior Manager. All formal complaints will receive a written response outlining the outcome and the right of appeal where appropriate.

9.1.3.Appeals

- If a complainant remains dissatisfied with the Colleges' Partnership's response to their complaint, they may appeal in writing to the Executive Director. The Executive Director's nominated representative (who will be a manager not previously involved in the case) will investigate the complaint and the Colleges' Partnership's response and report to the Executive Director.
- The Executive Director will decide to:
 - Uphold the original decision / dismiss the complaint as unfounded
 - Refer the complaint back to the relevant area and propose an amicable conclusion
 - Uphold or partially uphold the complaint, offer an apology, recommend appropriate steps are taken to address the issue and to avoid a similar problem arising in the future.
- The decision of the Executive Director is final, and the complainant will be advised of the outcome within 5 working days.

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9.1.4. Taking the Complaint further

If a complaint remains dissatisfied with the Colleges' Partnership's response following appeal, he/she should seek advice from the Awarding Organisation. This will be the final route of escalation within our company. Therefore, if you remain unhappy following our own internal complaints procedure and your complaint refers to services you have received relating to your course and achieving your qualification then please contact the Awarding Organisation directly.

Should you address your complaint to the awarding body and remain unhappy with the outcome you may then raise your complaint to the relevant qualification regulator. Either a representative of The Colleges' Partnership or the awarding body will be able to offer you guidance on the appropriate qualification regulator in each instance and provide contact details.

9.1.5. ESFA Complaints Procedure

Complaints can be made directly to the Education and Skills Funding Agency. Before making a complaint to the ESFA about any post-16 training provider, college or employer funded by the EFSA, you should have exhausted the provider's own complaints procedure, including an appeals process.

If you have already done that and are complaining about:

- a general further education (FE) college, employer, a sixth form college (that is not an academy) or a training provider
- a commercial and charitable provider where the complaint relates to provision for students aged 16 to 18 and up to 25 if the learner is subject to a learning disability assessment
- a commercial and charitable training provider where the complaint relates to provision for post-19 students

Please read the ESFA complaints procedure provided (appendix 1)

Signed

Date: 27 May 2022

Tony Basham
Executive Director

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FORMAL COMPLAINTS FORM

If you make a formal complaint (by completing this form) it will not affect your statutory rights. If you are unable to complete this form yourself, you are welcome to ask a member of staff within the Colleges' Partnership to help you with this.

Please complete the form in black ink

Name of the person making the complaint	Address:	
	Telephone / mobile number:	
	E mail address:	
Nature of the complaint. Please say what your complaint is in regard to. If you need to continue on a separate sheet please do so.		
Date your complaint relates to:		
What action would you like us to take?		
Have you raised this issue informally?	Yes (Please circle)	No (Please circle)
If yes, which member of staff did you raise this with and what was their response?		
If no, can you state why you did not raise this informally?		
Signature	Date	

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OFFICE USE ONLY

Area:	Date of the Complaint
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Nature of the Complaint (please circle below)			
Learning and Teaching Quality	Facilities	Financial	Information/communication
Course issue	Personal	Other (please state)	

Status of the complainant (please circle below)			
Learner	Learners line manager	Employer	Prospective learner
Visitor	Contractor	Other (please state)	

Action Taken:

By Whom	Related dates
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Completion date:	Signed:
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COMPLAINTS INVESTIGATION FORM

Investigating Manager (Senior Manager)			
Department/Area			
Name of Investigator			
Section 1: Details of the complaint			
Name of complainant		Status of complainant (e.g. learner/employer)	
Address			
Telephone No:		E mail :	
Nature of the complaint (background, issues – attach Complaint form)			
Staff involved:		Date complaint received:	Deadline for reply :

Section 2: Investigation	
Interviews (attach notes)	Dates

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Findings	Evidence (Attach)	
Recommendations	By whom?	By when?
Response letter sent Yes <input style="margin-left: 100px;" type="checkbox"/>	By whom?	By when?
Signed: Quality Manager		Date:
Signed: (Senior Manager)		Date:

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Education & Skills Funding Agency

Procedure for dealing with complaints about providers of education and training

1. Introduction

- 1.1. This procedure is for learners and parents at post-16 further education (FE) colleges, sixth form colleges and training providers (providers) that are funded by the Education and Skills Funding Agency (ESFA).
- 1.2. Before contacting us you should issue a formal complaint to the provider and fully exhaust the provider's complaints procedure. Providers are required to publish their complaints procedure on their websites.
- 1.3. We will not re-investigate the original complaint about the provider. We will review whether the provider has properly investigated your original complaint in line with its procedures.
- 1.4. This procedure was created on 1 September 2017 and will be reviewed by 1 September 2018.

2. Key principles

- 2.1. The ESFA, on behalf of the Secretary of State, and providers should be receptive to genuine expressions of dissatisfaction.
- 2.2. We will deal with complaints promptly, fairly and proportionately.
- 2.3. Any action that we take as a result of complaints should help to improve the quality of education that providers deliver to learners.
- 2.4. In dealing with complaints, the ESFA will take account of its duty to promote equality and diversity.

3. Who is covered by this procedure

- 3.1. This procedure covers the following providers that are funded by the ESFA:
 - 3.1.1. further education colleges and sixth-form colleges



3.1.2.those delivering apprenticeships including degree apprenticeships

3.1.3.those delivering other education and training suitable for persons aged 16 and over such as independent learning providers and specialist post-16 institutions

4. This procedure **does not** cover the following:

4.1. higher education (HE) courses in FE colleges, which you should direct to the [Office of the Independent Adjudicator for HE](#) - this does not include Degree apprenticeships

4.2. higher education (HE) institutions or Universities including the Open University which you should direct to the [Office of the Independent Adjudicator for HE](#) - this does not include Degree apprenticeships

4.3. academies which you should direct to the [complain about an academy page](#) on GOV.UK

4.4. schools (including non-maintained special schools) which you should direct to the [complain about a school page](#) on GOV.UK

4.5. provision delivered by subcontractors because the ESFA policy is that we hold the lead provider responsible for all subcontractor activity - you should issue the lead provider with a formal complaint

5. When the Education and Skills Funding Agency will investigate

5.1. We can investigate complaints about:

5.1.1.the quality, management or experience of education and training

5.1.2.undue delay or non-compliance with published procedures

5.1.3.poor administration by the provider

5.1.4.equality and diversity issues (except where there is a more appropriate mechanism for dealing with the matter through the court, tribunals or other organisations)



6. When the Education and Skills Funding Agency will not investigate

- 6.1. We will not investigate complaints until the provider's procedure, including the appeal, has been fully exhausted.
- 6.2. We will not investigate complaints about:
 - 6.2.1. examination results or curriculum content
 - 6.2.2. individual employment issues including potential employment (such as recruitment) at colleges and providers, which are a matter for the employer and the employee where employment law provides appropriate remedies
 - 6.2.3. contractual disputes that arise from a contractual agreement between a provider and a party providing services to the provider or from someone who is not a learner. This includes contractual disputes between an employer and a provider in relation to the apprenticeship levy
 - 6.2.4. matters that are the subject of legal action
 - 6.2.5. the cancellation or reimbursement of an Advanced Learner Loan or fees paid
 - 6.2.6. a commercial arrangement between an employer and a provider
 - 6.2.7. any complaints that we have classified as serial
 - 6.2.8. allegations of fraud, financial irregularity and whistleblowing which you should direct to the [allegations of fraud or financial irregularity policy](#) on GOV.UK
 - 6.2.9. concerns about safeguarding which we will pass onto the appropriate team

7. Extremism and radicalisation

- 7.1. For the prevention of extremism and radicalisation relation to post-16 institutions please contact: counter.extremism@education.gov.uk.

8. Procedure for dealing with complaints about providers

- 8.1. Complaints about providers should be sent to:
 - 8.1.1. complaints.esfa@education.gov.uk
 - 8.1.2. Or via: The Complaints Team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT
 - 8.1.3. ESFA Apprenticeship Service Support: 08000 150 600 or helpdesk@manage-apprenticeships.service.gov.uk

9. Who will investigate?

We will appoint an appropriate officer to investigate the complaint.



10. What the Education and Skills Funding Agency will do

10.1. On receipt of a complaint we will check:

- 10.1.1. if the matter is one that we can investigate
- 10.1.2. if the decision or action complained about occurred more than 12 months ago
- 10.1.3. whether there is evidence that the complainant has fully exhausted the provider's complaints procedure including any appeals process

Within three working days of receiving a complaint we will acknowledge receipt and send a copy of this procedure to the complainant. We will inform the complainant whether the complaint is one that we will investigate.

10.2. If we are to investigate the matter, we will ask the complainant to provide the following:

- 10.2.1. details of their complaint in writing or by email (if this has not already been provided)
- 10.2.2. confirmation and written evidence from the complainant that they have fully exhausted the provider's complaints procedure including any appeals process (for example, written correspondence that the complainant received from the provider confirming the outcome)
- 10.2.3. permission to disclose details of their complaint to the provider concerned

If we can investigate we will email a summary of the complaint. In complex cases we will request agreement to the summary by the complainant. Where this happens the complainant will have five working days to respond to this document.

If the complainant has difficulties in providing details in writing or if the complainant is not eighteen or over, we will consider complaints made on behalf of a complainant, or assisted by a third party with written permission from the complainant. The complainant will need to confirm in this permission that they agree that we can communicate with that third party on their behalf. If the complaint is on behalf of more than one person we will consider complaints made on behalf of a nominated party with written permission from the complainant.

10.3. We will ask the provider to share the following with us within ten working days:

- 10.3.1. details and copies of the relevant procedures
- 10.3.2. confirmation that their procedures have been exhausted



10.3.3. a response to the summary of complaint, together with relevant documents

10.3.4. confirmation that we can share the information provided with the complainant

11. If at any stage the ESFA is satisfied that provider's procedures have not been properly exhausted, we will write to the parties to indicate that we will not investigate the matter further.
12. Where the ESFA judges that the provider has unduly delayed resolving the complaint, or that there is no prospect of the provider resolving the complaint within a reasonable timescale, we may continue to investigate.
13. The ESFA will consider each aspect of the summary of complaint and determine whether to uphold it.
14. If the ESFA cannot resolve the position on the information available, it may arrange to contact the parties to obtain all necessary further information for example, further documented evidence.
15. The ESFA should finalise the findings within twenty-five working days. The ESFA will send its findings to each of the parties. This concludes the investigation.
16. If at any point during the investigation we encounter a delay in responding to/providing correspondence, we will notify the complainant of the delay and provide details of when to expect a response.

17. What action the Education and Skills Funding Agency can take

If a complaint is upheld, we shall consider taking action against the provider in accordance with the outcomes of the complaint investigation. We may take the following action:

17.1. ask the provider to review its complaints procedure to ensure non-recurrence

17.2. ask the provider to review its decision in the individual case

17.3. in accordance with The Education and Skills Act 2008 request that the provider promotes participation through regular attendance to named individuals between 16 to 18 years' old

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17.4. whether the provider continues to be funded by the ESFA

17.5. consider invoking clauses from the funding agreements, financial memoranda and/or contracts between the ESFA and the provider

18. If the complainant remains dissatisfied

18.1. If a complainant is dissatisfied with the way we handled their complaint against a provider they can contact us:

18.2. via complaints.esfa@education.gov.uk

18.3. or via - The Complaints team, The Office of the Chief Executive, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2W

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