

Estu Academy

Complaints, Comments and Compliments Policy and Procedure

Know Practice Do

1 Purpose

This is Estu Academy's (Estu) procedure for dealing with feedback from our apprentices, partners, employers and members of the public; this procedure does not cover staff feedback in any way.

Feedback includes suggestions, compliments and complaints about matters such as the nature, delivery and availability of services.

This procedure is mainly concerned with complaints, but we acknowledge that suggestions and compliments are still an important source of information for use in services and service delivery and for this reason any staff member who receives feedback that is not a complaint should still record this.

This policy also outlines the appeals procedure for apprentices who are not satisfied with the outcome of a learning decision.

2 Scope

This policy applies to all Directors and staff whether permanent, part-time, fixed term, casual employees and volunteers of Estu Academy, and to any temporary staff, consultants or contractors, working on Estu Academy's behalf

3 Meeting our apprentices needs

As a skills service provider, we have a responsibility and duty to meet the individual needs of all our apprentices from the first contact opportunity.

For staff that have initial contact with customer/apprentices it is vital that a needs assessment is completed to identify any support needs as early in the process as possible.

The following services are an example of the types of support that individuals may require;

- Alternative formats for example large print, Braille, coloured paper printing, easy read text, etc.
- Hearing loop functionality
- Sign language interpreters
- Lip speakers

Estu Academy has a **legal, moral and ethical obligation** to provide our apprentices and customer/apprentices with an accessible service.

4 What are suggestions, compliments and complaints?

Suggestions

Suggestions enable 'customer/apprentices' to tell us where they think we can make improvements to the delivery or availability of our services and can give their suggestions to us verbally or in writing. All apprentices will be introduced to the feedback process during our first meetings with them and will also be requested at the end of any training delivery that has been completed.

Suggestions will be considered by the business on a quarterly basis and where possible and appropriate, changes may be made to the business on the back of the suggestion.

Compliments

A compliment is the 'customer/apprentice' telling us that they are particularly satisfied with things like the nature, delivery or availability of services.

We should not make a 'customer/apprentice' record their compliment in writing; however written compliments might be Thank You cards, emails or texts.

Compliments will be considered by the business on a quarterly basis and where 'Good' or 'Best Practise' is identified through a compliment, changes may be made to the business to reflect this.

Complaints

For the purposes of this procedure, a complaint is a written or oral expression of dissatisfaction relating to a service which Estu Academy is responsible for providing, or has arranged to be provided, which states or implies that the service as delivered is unsatisfactory.

All complaints require investigation and appropriate responses. The findings of complaint investigations will inform the business of any actions that need to be taken to resolve individual complaints or issues with our services (corrective) or any actions that are required to prevent against future complaints (preventative).

All days referred to in this document are working days.

Informal complaints

Informal complaints are made verbally in person or over the telephone to a member of staff. These only include minor day to day issues that can be addressed immediately or within 24 hours and do not usually require a letter or email in response.

In the case of an apprentice complaint, always ensure that you are either dealing with the apprentice themselves or have explicit (written) consent to speak to someone on behalf of the apprentice.

IMPORTANT NOTE: Some complaints that appear at first glance to be informal must be treated as formal from day one.

Informal complaints that must be treated as formal

Whilst some complaints may present to us as informal, there are times when Estu Academy must escalate an informal complaint into a formal one regardless of how it was brought to us by the complainant. Examples of informally made complaints that must be treated formally include, but are not limited to, those that include an obvious gap in the service, Equality & Diversity, Safeguarding and Prevent, Health & Safety, Data Protection concerns and situations where, if the complaint were upheld, this would lead to disciplinary procedures for at least one staff member and / or a loss of contract, damage to the reputation of the

business or exposure to the funding organisation, Prime Contractor, the media or Parliament.

Formal complaints

Formal complaints are a more significant issue. They question the level, availability or quality of the services we deliver. Formal complaints include those made directly against staff members or service delivery partners where the abilities or attitude are being questioned, and can include the availability of our services, the quality of our services or the manner in which our service is delivered.

Formal complaints are received in writing or verbally from the complainant where they have stated or made it quite clear that they are complaining. All formal complaints require a written response.

Receiving and notifying the business of a complaint

The staff member receiving the complaint into the business has the responsibility to get that complaint to their line manager so it can be recorded into the Customer/apprentice Feedback Log and dealt with. The tutor must bring the complaint to the immediate attention of the Managing Director.

The Managing Director will ensure any formal complaint is acknowledged to the complainant and that the Senior Leadership Team is made aware and kept apprised of the situation throughout.

Staff members named in a complaint

The Managing Director will inform the staff member in person as soon as possible but within 1 working day of being informed; an email must then be sent to the staff member to confirm the conversation however no detail should be entered into in the email.

If the named staff member is absent from the business at the time of the complaint being received, they must be informed the day they return to work.

Some complaints received may hold little or no substance and may even be malicious. Little can be done to stop these, however Estu Academy has a duty to respond appropriately to all complaints and as such every complaint should receive a full investigation. Estu Academy will ensure that support is available to any staff member who is a target of malicious complaints.

Investigations

The Investigating Manager

The Investigating Manager must commence the investigation immediately; if this will not be possible, a strong business reason must exist and this must be negotiated by the nominated Investigation Manager with their senior manager to identify an appropriate alternative manager who would be able to pick up the investigation and meet the deadline. The Managing Director should be notified immediately of any changes to the identity of the Investigating Manager.

The scope of the investigation

The Investigating Manager will establish which persons they will need to interview to gain insight into all relevant information about the events that led to the complaint. Examination Complaints, Comments and Compliments Policy and Procedure v6 Nov 2021

and consideration of processes and procedures, best practise, system records, paper records, staff, external agencies or other related parties must all be included when investigating a complaint.

The Investigating Manager should identify whether any staff absence will prevent the appropriate interviews taking place. Any unavoidable hold up will be communicated to the complainant by the Investigating Manager.

The Investigating Manager must, in their investigations, identify;

- Full details of the complaint including dates, times, the nature of the concern, etc.
- What was found to be the root cause(s) of the complaint
- Whether the complaint should be upheld in full or in part
- What actions need to be taken to correct or prevent reoccurrences of issues identified
- What resolution the complainant expects and
- What shortfalls exist in what we are able to do versus the complainants' expectations

Meeting the complainant

Unless there are powerful reasons not to do so, the first step in any investigation must be to offer the complainant an appointment to discuss the complaint in more detail – this can be face to face (in branch or at a location away from branch if necessary), over the telephone or via email (although email should be avoided if possible and should only be used with the explicit written consent of the complainant, received by email and held in the record).

Part of this first interview will be concerned with clarifying any ambiguous or unclear references made in the complaint as communicated to us also to establish the complainant expectations regards what they would view as a resolution.

An explanation should be given to the complainant that the meeting/discussion is part of the investigation and that the meeting/discussion will not seek to conclude an outcome at that time – reiterate this during the meeting and assure the complainant of the timescales within which they will get a formal response.

The Investigating Manager should be aware at all times of the possible need for an interpreter, signer or communication device. Access issues must always be considered prior to booking a venue.

The complainant may be accompanied and/or assisted by a friend, advocate and/or another supporter. Nevertheless, the relevant Investigating Manager should remain aware throughout of their responsibility to communicate directly with the complainant.

Assurances must also be given to complainant that their complaint will in no way affect the service they receive from us and they will not be treated detrimentally because they have felt the need to complain.

The complainant may withdraw the complaint at any stage. If a complaint is withdrawn, action under this procedure will cease immediately however the business reserves the right to continue its own investigations under HR or other procedures.

The Formal complaint outcome

The investigation must be completed and the findings drawn up and communicated to the Managing Director by the 4th working day following the complaint being received into the business. This period may be extended only with the agreement of the Managing Director,

and only with good cause. Good cause may include, but is not limited to, staff absence where their investigation interview is pivotal in completing the investigation; inability of apprentice to attend or partake in an investigation meeting intended to give clarity to the complaint and in the course of the investigation or system failure which result in the inability to clarify electronic records necessary to the investigation.

The Investigating Manager will communicate with the complainant to advise the reasons for the delay and a date by which the complainant can expect a response. This will be carried out within the 5 working days allowed overall. Upon completion of the investigation, the Investigating Manager must produce a written report with their findings and conclusions plus a proposed response letter to the Managing Director as follows:

Report

- An itemised account of the complaint compiled of the original complaint and the complainant interview
- Which records were read – electronic and paper based
- Who was interviewed and what was discovered?
- Which key processes are involved?
- Conclusions and recommendations as to whether the complaint should be upheld, and
- What action should be/have been taken – corrective for the current complaint and/or preventative for the future

Proposed letter of response

- The itemised complaint as understood and investigated
- Itemised responses against every point made in the complaint and during the meeting with the complainant, as applicable
- Whether the complaint was upheld or not, and the reasons for the decision
- If any part of the complaint is upheld, there must be appropriate apologies made
- The action(s) taken or planned because of the investigation, e.g., any change in procedures or practice.
- The complainant's right to refer the complaint to the ESFA if they are not satisfied and the relevant contact details

The Investigating Manager will communicate the final response to the complainant once agreed, update the Managing Director, maintain the business records and inform the main contractor if applicable.

Actions following conclusion of a complaint

The Managing Director will agree responsibilities for any required actions, as identified in the investigation. These will be itemised, and a SMART action agreed for each one in turn. If the standards of integrity, ability or conduct of any staff member were called into question by the complaint or during the investigation and there appears to be a need for further internal investigation, the relevant Senior Manager will consult the Managing Director to determine the action to be taken.

To make a complaint

Should you wish to raise a complaint or any concerns regarding the service provided, you may also contact Paul Conroy, Managing Director directly on 07855 868353 or email at confidential@vsstraininganddevelopment.co.uk

Complaint received through formal channel (JCP/MP/Education and Skills Funding Agency - ESFA) / Escalation procedure to ESFA or Independent Case Examiner (ICE)

Complaints can be raised with Estu and / or directly with the ESFA, verbally or in writing. There may be occasions where the 'Customer/apprentice' raises the complaint with an external body (such as a Member of Parliament) who will write to the ESFA on the apprentice's behalf.

If neither the ESFA nor Estu can resolve the complaint the Customer/apprentice is entitled to raise the complaint to the Independent Case Examiner (ICE). The Independent Case Examiner investigates the complaint, consulting with the ESFA before taking a decision as to the outcome of the complaint.

5 Appeal a learning decision

Responsibilities in Appeals

Apprentice: responsible for initiating the appeals procedure, in the required format, within a defined time frame, when s/he has reason to question an assessment decision.

Tutor: responsible for providing clear achievement feedback to apprentices. If assessment decisions are questioned, the Tutor is responsible for processing the apprentice's appeal within the agreed time.

Internal Verifier/Lead Internal Verifier/Senior Leadership: responsible for judging whether assessment decisions are valid, fair and unbiased.

Managing Director: responsible for submitting an appeal in writing, to the Education and Skills Funding Agency (ESFA) if the apprentice remains dissatisfied with the outcome of the centre's internal appeals procedures.

Aim:

- To enable the apprentice to enquire, question or appeal against an assessment decision.
- To attempt to reach agreement between the apprentice and the Tutor at the earliest opportunity. To standardise and record any appeal to ensure openness and fairness.
- To facilitate an apprentice's ultimate right of appeal to the ESFA, where appropriate. To protect the interests of all apprentices and the integrity of the qualification.

In order to do this, this centre will:

- Inform the apprentice at induction, of the Appeals Policy and procedure.
- Record, track and validate any appeal.
- Forward the appeal to the ESFA when an apprentice considers that a decision continues to disadvantage her/him after the internal appeals process has been exhausted.
- Keep appeals records for inspection by the ESFA for a minimum of 18 months.
- Will take appropriate action to protect the interests of other apprentices and the integrity of the qualification when the outcome of an appeal questions the validity of other results.
- All appeals at or above Stage 2 must be recorded by the Managing Director, and records must be retained for at least 18 months.

Appeals Process

Stage 1 – informal discussion with member of staff assessing. If a resolution is found, the member of staff should record the discussion for reference only, as part of best practice. If a resolution is not achieved, the discussion should be formally recorded and passed on to the Programme Leader, unless the decision under review is that of the programme leader. If this is the case, the Managing Director should be approached.

Stage 2 – formal review. Programme Leader and IV/Lead IV review the assessment decision. A written reply will be given to the apprentice within 10 working days

Stage 3 – Appeal hearing. The apprentice must apply to the Managing Director in writing within 10 working days of the initiation of the stage 2 formal review. An appeal panel, appointed by Managing Director, will meet and review the evidence. A formal response will be given to the apprentice.

Stage 4 – External appeal: The grounds for appeal and any supporting documentation must be submitted by the centre to the ESFA within 10 days of the completion of Stage 4.

Appeals Procedure

- Apprentices will be informed about the appeals procedure and have access to a copy of the written procedure.
- The Senior Leadership Team will be responsible for the management of internal appeals.
- The Managing Director will be provided with any appeals and their outcome.
- Appeals will be considered by at least 2 people (at least one of whom should not have been involved with the assessment decision).
- Written records of all appeals will be kept by the Managing Director including the outcome of the appeal and reasons for the outcome.
- A copy of the appeals record will be given to the apprentice.
- The ESFA will be informed by the Managing Director if any outcome of an appeal has implications for the conduct of assessments of the issue of results at the centre.
- Full details of any appeal must be made available to the ESFA on request.

Apprentices can only appeal on the following grounds:-

- If they feel the grading criteria is not being met.
- If they feel that they have not been supported during the assessment of the unit.
- If the Tutor is not willing to accept alternative evidence as meeting the evidence

Making a complaint to the ESFA

If you have a problem with a school, college, training provider, or employer that is funded by the ESFA, you'll need to follow these three steps, before you get in touch with them:

Start by trying to resolve the issue, informally, direct with the school or organisation involved.

If you're not happy with their response, make a formal complaint (through to appeal), direct to them. All state schools and colleges should have a complaints procedure. Ask them for a copy or check their website. Keep copies of everything you send and receive.

If you're still not happy after that, check that the ESFA can handle your complaint by reviewing the Complaints about post 16 education and training provision funded by ESFA policy document:

<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

For help and support with making formal complaints to schools, colleges, training providers or employers, contact the Citizens Advice Bureau, or search their online help pages.

If you have fully exhausted the provider's complaints procedure, have evidence of this and remain dissatisfied, you can contact ESFA.

You can also contact ESFA if you are being prevented from exhausting the organisation's complaints procedure, or if you are no longer able to contact them because they are no longer trading.

ESFA only accept complaints in writing, by email or letter, except where they are required to make reasonable adjustments. Please let them know if this applies to you, either through a third party or by calling them, and they will arrange for someone to handle your complaint accordingly.

If you have difficulties in providing details in writing or if you are under 18, they will consider complaints made on your behalf by a third party. You will need to confirm that they can communicate with that third party on your behalf. If the complaint is on behalf of more than one person, they will need written permission from everyone.

You should email complaints to complaints.esfa@education.gov.uk, or put them in a letter to:

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

When you contact us about your complaint, you will need to provide them with the following:

- the name of the organisation you are complaining about
- details of what your complaint is, together with the relevant documents
- evidence that you have fully exhausted the organisation's complaints procedure, including any appeals process (for example, written correspondence confirming the outcome)
- permission to disclose details of your complaint to the organisation concerned
- if you are acting on behalf of an apprentice, evidence that you have their permission to do so
- They can only investigate on behalf of apprentices whose courses they fund or employers that they fund. They may ask you for further information to help them

confirm this.

Apprenticeship Helpline

An apprentice can also contact the Apprenticeship Helpline to raise concerns or queries relating to an apprenticeship. The helpline can be contacted via the methods detailed below:

Call them on 08000 150 600 or alternatively email on: helpdesk@manage-apprenticeships.service.gov.uk

Further information relating to the Apprenticeship Helpline can be found at:

<https://help.apprenticeships.education.gov.uk/hc/en-gb/sections/360003798540-Apprentice>

Alternatively:

Should the learner not be satisfied with the centre's response, they can contact the Awarding Organisation related to their qualification. The complaints process for each organisation will be detailed on their website.

Stage 1 – Complaints, Comments and Compliments Policy

Complaint Report

Apprentice Name:	Tutor Name:	Lead Quality Internal Assurer name:
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Tutor Decision

Qualification:	
Apprentice's Reason for Complaint/Comment/Compliment:	
Apprentice's Signature:	
Date:	
	This column to be completed by Estu staff
Tutor's Decision:	Date Complaint Received:
	Date replied to Apprentice:
	Signature:
	Date:
Signature:	
Date:	
Apprentice's Decision	Date reply received:
I accept the Tutor's decision	Date forwarded to Lead Internal Quality Assurer:
I wish to proceed to Stage 2	Signature:
Signature:	Date:

Date:



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Stage 2 – Complaints, Comments and Compliments Policy

Senior Leadership Team Representative

Apprentice Name:	Tutor Name:	Lead Quality Internal Assurer name:
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Comments:

Lead Internal Quality Assurer's Decision:	Date Apprentice informed:
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Signature:

Date:

Signature:

Date:

Apprentice's Decision <input type="checkbox"/>
I accept the Lead IQA's decision <input type="checkbox"/>
I wish to proceed to Stage 3

Date reply received:
Date forwarded to ESFA:
Signature:

Stage 3 - Complaints, Comments and Compliments Policy



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Feedback from Relationship Manager from Education and Skills Funding Agency

Apprentice Name:	Tutor Name:	Lead Quality Internal Assurer name:
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ESFA Decision	
Date Appeal Decision received: Date Apprentice informed:	Name: Signature: Date:
Apprentice Response I have received the decision of the ESFA Signature Date	Date reply received: Signature: Date:

6 Records Management

Access & Storage

The Policy is found on the shared drive and is available to all staff.

7 Revision History

Version No.	Date	Amendment
1	Jul 2017	Policy Creation (effective from)
2	Aug 2018	Review and Update
3	Sept 2019	No changes
4	Aug 2020	Full update and review
5	Aug 2021	Full review, updated responsibilities, and accountabilities. Updated Apprenticeship Helpline details.
6	Nov 2021	Updated to include to Awarding organisation process for complaints if not satisfied with centres response
Next Revision Date (12 months or when significant change)	Aug 2022	

Authorisation	
Signed:	
Print:	Paul Conroy
Date:	15 th November 2021
Position:	Managing Director