


# Complaints Policy

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## 1. PURPOSE

Learning Skills Partnership (LSP) welcomes feedback from learners, employers and partners about courses, services and facilities for which the company is responsible. All formal complaints are fully investigated. The information gained as a result of these investigations will be used in pursuit of corrective action and/or continual improvement. Our aim is to respond quickly and positively and to reach an outcome that is satisfactory and fair for all concerned.

## 2. SCOPE

This procedure is designed to incorporate:

- Complaints relating to the conduct of a member of LSP staff
- Complaints from learners relating to the services provided by LSP
- Complaints from employers relating to the services provided by LSP
- Complaints relating to the health and safety, safeguarding or equality duties of LSP
- Complaints about the Skills Funding Agency
- Complaints made to the Skills Funding Agency about LSP

Any complaints regarding assessment decisions are dealt with through LSP's Appeals Procedure.

## 3. POLICY AND PROCEDURE FOR COMPLAINTS WITHIN LSP

Our complaints procedure demonstrates the way in which complaints should be reported, and how learners and employers, and potential learners and employers (hereafter *complainant(s)*), can expect complaints to be handled. All stages of the procedure will be recorded in writing and investigations will be carried out by a suitably senior member of staff who will objectively review the complaint.

### 3.1 Procedure

#### Step 1

LSP aims to manage complaints informally wherever possible. In the first instance the complainant should refer their complaint to the member of LSP staff allocated to support them, or their contact point. This can be carried out verbally or in writing.

The LSP staff member will treat the complaint in confidence and should be permitted a reasonable period of time to review and attempt to resolve the matter fairly and effectively.

#### Step 2

If the complainant feels that the complaint has not been adequately dealt with or it is regarding the member of LSP staff allocated to them then they may escalate the complaint further.

The complainant should provide a written statement outlining:

- The details of their complaint
- Date or dates of the complaint (if relevant)
- The complainant's name and contact details
- The consequences for the complainant as a result, and the remedy sought.

This should be sent by email or letter to:

Operations Director  
Learning Skills Partnership  
16 Waterside Business Park  
Livingstone Road  
Hessle  
HU13 0EG  
info@learningskillspartnership.com

The complainant will receive written acknowledgment of the complaint within 5 working days

The complaint will be investigated and will receive a full response and explanation within 10 working days of acknowledgement.

### Step 3

If the complainant is not satisfied with the response received at Stage 2, the complaint will be escalated to LSP's team of Directors.

The Directors will review the complaint and previous investigation and undertake their own investigation if needed. The complainant will receive a written response and explanation from LSP's Directors within 25 working days.

### Step 4

If the complainant is not satisfied with the response from LSP's Directors, the complaint can be further escalated to the Skills Funding Agency.

Information on the procedure can be found here:

<https://www.gov.uk/complainfurthereducationapprenticeship/overview>

## **3.2 Timescales**

In some instances, such as more complex complaints, the timescales detailed above may need to be extended. In this instance the complainant will be informed in writing and provided with the new timescales for dealing with their complaint.

**Any allegations of misconduct in examinations or assessments should be dealt with as set out in the guidance for examinations issued by JCQ and covered within the Learning Skills Partnership examination procedures**

## **4. COMPLAINTS TO THE SKILLS FUNDING AGENCY (SFA) ABOUT LSP (PROVIDER OF EDUCATION AND TRAINING)**

This procedure is taken from the SFA's own complaints policy.

When a complaint is made about a Provider of Education and Training the key principles apply:-

- The SFA on behalf of the Secretary of State, and Providers of Education and Training Providers should be receptive to genuine expressions of dissatisfaction
- Complaints should be dealt with promptly, fairly and proportionately
- Action taken as a result of complaints should help to improve the quality of education that

providers of education and training provide.

- In dealing with complaints the SFA will take account of its duty to promote equality and diversity.

#### **4.1 Providers Complaints Procedure**

The following Providers are covered by this procedure:

- FE Colleges (not including sixth-form colleges)
- Those delivering Apprenticeships
- Those delivering other education and training suitable for persons aged 19 and over and funded by the SFA

Complaints in relation to courses that the SFA funds and those courses funded by a 24+ Advanced Learning Loan will also be investigated. Providers are required to have published procedures for handling complaints. These procedures should contain a process by which a learner or other organisation can make a complaint, have it investigated, reviewed and resolved. Complaints procedures should be available in accessible formats for all (e.g. Braille, large print and other languages) All Providers should have an appeals process to deal with any challenges to the decision. The SFA will not usually investigate complaints until this procedure has been exhausted. When a Provider is unable to resolve a complaint for themselves then they must ensure that learners and/or other organisations receive relevant information and contact details for the SFA.

Complaints about Providers should be sent to The Complaints Team, SFA, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by email to [complaintsteam@skillsfundingagency.bis.gov.uk](mailto:complaintsteam@skillsfundingagency.bis.gov.uk)

#### **4.1 The SFA will investigate**

The SFA will usually investigate complaints about:-

- The quality or management of education and training
- Undue delay or non-compliance with published procedures
- Poor administration by the Provider
- Equality and diversity issues (except where there is a more appropriate mechanism for dealing with the matter through the court, tribunals or other organisations)
- Health and safety concerns (unless these are matters for the Health and Safety Executive)

#### **4.2 The SFA will not investigate**

There are certain complaints that will not be investigated by The SFA, these would include:-

- Examination results or curriculum content where a more appropriate form of redress would be the examining body or the Office of Qualifications and Examinations Regulation (Ofqual)
- Individual employment issues (not in the wider public interest) which are a matter for the employer and the employee where employment law provides appropriate remedies
- Contractual disputes, for example disputes which arise from a contractual agreement between the complainant and the Provider, save where this relates to a course funded by a 24+ Advanced Learning Loan.
- Matters that are the subject of legal action, or where legal proceedings are the most appropriate way of resolving the dispute.

Except in relation to complaints about irregularity, The SFA will not usually investigate complaints more than twelve months after the decision or action was taken. The SFA reserves the right not to investigate complaints considered to be vexatious or malicious.

#### **4.3 What the SFA will do:**

On receipt of a complaint the appropriate officer should check:

- The matter is one which the SFA can investigate
- If the decision or action complained about occurred more than twelve months ago (if so, the SFA will not normally investigate, unless the complainant has good reason for the delay in making the complaint)
- Whether the allegations relate to fraud or irregularity (if so, the appropriate officer shall notify the Strategic Intervention Team to discuss appropriate investigation procedures)
- The appropriate offices would consider whether it is possible to resolve the complaint informally and if the complainant agrees, should arrange to contact the Provider to explore whether they can resolve the complaint.

Within five working days of receipt of a complaint the appropriate officer should acknowledge receipt and send a copy of this procedure to the complainant. The appropriate officer should inform the complainant whether the complaint is one which the SFA will investigate. In cases alleging fraud or irregularity the appropriate officer will inform the complainant that their complaint has been passed to the Strategic Intervention Team for response. It should be noted that the Strategic Intervention Teams timescales vary as investigations usually take longer.

If the SFA is to investigate the matter, the complainant should be asked to provide:

- Details of their complaint in writing or by email (if this has not already been provided)
- Confirmation that the Provider's complaints procedures have been exhausted, unless the complaint is about potential financial irregularity
- Permission to disclose details of their complaints to the Provider concerned (however, if the complaint is about potential financial irregularity, we will respect anonymity as long as it does not impede an investigation) Where potential financial irregularity is involved the Strategic Intervention Team may seek further information from the complainant through a telephone or face-to-face meeting.

If the complainant has difficulty in providing details in writing the appropriate officer should consider alternative ways of receiving the information. Within five working days of receipt of the written complaint the appropriate officer should prepare a summary of the complaint and send it to the complainant for approval. The complainant should have five working days to provide any response to this document. The appropriate officer should consider any response from the complainant and, if appropriate amend the summary of complaint before sending this to the Provider. The appropriate officer should ask the Provider to provide within 10 days:

- Details and copies of the relevant procedures
- Confirmation that their procedures have been exhausted
- A response to the summary of complaint, together with relevant documents
- Confirmation that we can show the information provided to the complainant

If at any stage the appropriate officer is satisfied that procedures at the Provider have not been properly exhausted, they should write to the parties to indicate that they will not investigate the matter further. Where the appropriate officer 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, the SFA may continue to investigate. On receipt of the relevant documentation and response from the Provider the appropriate officer shall provide the response to the complainant and seek confirmation within five working days as to whether the complainant remains dissatisfied.

If the matter has not been resolved within 20 working days of agreeing the summary with the complainant, the appropriate officer should consider each aspect of the summary of complaint and determine whether to uphold the complaint, on the balance of probability. If the matter cannot be resolved on the information available, they shall arrange to contact the parties to obtain all necessary further information. A provisional decision is compiled, and draft findings are sent to each party with a five working day opportunity to respond. The appropriate officer should consider responses before confirming the findings. The appropriate officer should finalise the findings within five working days and send it to each party. If at any point during the investigation the appropriate officer encounters a delay in response to/providing correspondence, the appropriate officer should notify the complainant of the delay and provide details of when to expect a response.

#### **4.4 What action the SFA can take:**

If the complaint is upheld the SFA shall consider taking action against the Provider in accordance with the key principles. The SFA may:-

- Ask the Provider to review its procedures to ensure non-recurrence
- Ask the Provider to review its decision in the individual case
- Where the complaint is about a course funded by a 24+ Advanced Learning Loan, ask the Provider to reimburse the complainant and/or the Student Loans Company part or all of the value of the Loan.
- Consider the eligibility of provision for funding
- Invoke the clauses in the contract between the Provider and the SFA relating to the breach
- Terminate the contract
- Recommend inspection of the Provider to the Secretary of State
- In cases of financial irregularity, recover funds and refer matters to the police (where there is evidence of a crime) and apply the SFA's policy on funding Higher Risk Providers and Subcontractors.

If the complainant remains dissatisfied with the way the SFA has dealt with their complaint they should write to the Complaints Adjudicator, Legal and Governance Team, SFA, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

## **5. COMPLAINTS ABOUT THE SKILLS FUNDING AGENCY (SFA)**

This procedure is taken from SFA's own complaints policy.

When a complaint is made in connection with the SFA these key principles apply:-

- LSP should be receptive to genuine expressions of dissatisfaction about the SFA
- Complaints should be dealt with promptly, fairly and proportionately
- In dealing with complaints, LSP will take account of its duty to promote equality and diversity.

### **5.1 SFA Complaints Procedure**

The SFA has an Independent Complaints Adjudicator to investigate complaints. The LSP Operations Director will contact the Independent Complaints Adjudicator who has responsibility to investigate complaints about the SFA.

All complaints should be made in writing to The Complaints Adjudicator, SFA, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by email to [complaintsteam@skillsfundingagency.bis.gov.uk](mailto:complaintsteam@skillsfundingagency.bis.gov.uk)

The Complaints Adjudicator may:-

- Conduct the investigation into a complaint or ask another member of the Legal and Governance Team to conduct the investigation
- Pass on the complaint to the SFA's Strategic Intervention Team if it relates to fraud or allegations of financial irregularity
- Pass on the complaint to the National Apprenticeship Service (NAS) if it relates to NAS policy or action
- Appoint external investigators

### **5.2 Complaints Adjudicators will investigate**

The Complaints Adjudicator will usually investigate complaints about the SFA's administration. Complaints may include allegations of:

- Unsatisfactory, incompetent arbitrary or unfair treatment
- Undue delay
- Non-compliance with published procedures, including those in relation to dealing with complaints about learning Providers
- Non-compliance with the SFA's Publication Scheme under the Freedom of Information Act 2000 and non-compliance in relation to the other requirements of the Freedom of Information Act
- Non-compliance in reaction to the requirements of the Data Protection Act 1998

### **5.3 Complaints Adjudicators will not investigate**

There are certain complaints that will not be investigated by an Adjudicator, this would include:-

- Complaints from SFA staff, where the SFA's grievance procedure would be appropriate
- Contractual disputes
- Complaints which are being or have been considered by a court or similar body



The Complaints Adjudicator will not usually investigate complaints more than three months after the decision or action was taken. The complaints Adjudicator reserves the right not to investigate complaints considered to be vexatious or malicious.

#### **5.4 What the Complaints Adjudicator will do:**

If a complainant needs assistance in putting their complaint in writing the Complaints Adjudicator should consider how they might assist. On receipt of a complaint the Complaints Adjudicator should:

- Check that the matter is one which can be investigated
- Check if the decision or action complained about occurred more than three months ago. Where this is the case, the Complaints Adjudicator will not normally investigate, unless the complainant has good reason for the delay in making the complaint
- Determine who should carry out the investigation.

Within five working days of receiving a complaint in writing, by email or fax, the Complaints Adjudicator should acknowledge receipt and send a copy of this procedure to the complainant. The complainant should be told whether the complaint is one which the Complaints Adjudicator will investigate and whether the Complaints Adjudicator or someone else appointed by the Complaints Adjudicator will investigate the complaint.

Within 10 working days of receiving the complaint the Complaints Adjudicator should prepare a summary of the complaint. The summary should be sent to the complainant for approval.

The complainant should be given five working days to provide any response to the summary of complaint and the Complaints Adjudicator should consider any response from the complainant and, if appropriate, amend the summary of complaint.

The Complaints Adjudicator should send a summary of the complaint to the relevant director who has responsibility for action or decision which is the subject of the complaint. The relevant director should be asked to provide within 10 working days:

A response to the summary of complaints

Copies of all correspondence and other documentation relating to the matter being complained about

If the Complaint Adjudicator cannot resolve the position on the information available, he or she shall arrange for the complainant and any other person to be contacted to obtain such further information as is required. If necessary, the Complaints Adjudicator can arrange to meet with the complainant or the relevant director. All investigations into a complaint **should normally be completed within 25 working days of agreeing a summary with the complainant.** If an investigation will take longer than this, the Complaints Adjudicator should inform the complainant, setting out an explanation and revised timetable for a response.

Once a provisional decision has been made in relation to the complaint, the Complaints Adjudicator should finalise the response and consider what steps should be taken to respond to any aspects of the complaint which have been upheld, with regard to the key principles set out. When the complaints are about the conduct of an investigation of a complaint about a Provider by the SFA's staff, the Complaints Adjudicator can request that the complaint be reinvestigated within defined timeframes. A final response should be sent to the complainant within ten working days, together with details of any action to be taken.

## **6. CONFIDENTIALITY**

The complaint, and all accompanying statements and records, will be kept confidential as far as is possible in facilitating a fair and thorough investigation. Whilst the privacy and confidentiality of complainants will be respected, this needs to be balanced with:

- The need for an open and fair investigation
- Appropriate remedial action to be taken
- The outcome of the investigation to be reported appropriately
- Action to be taken to improve our processes and quality of service

## **7. CHANGES TO THE POLICY**

This policy will be monitored and reviewed regularly, to ensure that it meets the needs of the business and to ensure compliance with relevant Ofsted and SFA regulation. Full review will take place annually.

This policy does not form part of the contract of employment.

