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Charity Number 111626 Company Number 5535863

COMPLAINTS POLICY

1. Aims and scope of the policy

At Activ8 Learning we are committed to high standards in the delivery of all our services. As our equal opportunities policy makes clear, we are also committed to challenging all forms of discrimination in access to learning. We seek continually to improve the quality of our learning products and associated activities. When something goes wrong, or when recipients of services are not satisfied, we want to know about it so that we can make amends (if appropriate), and also so that we can learn from the experience and improve our service delivery.

The aim of this policy is to establish a procedure by which complaints about service delivery, including disputes and appeals arising from assessment decisions, can be quickly, thoroughly and fairly investigated and necessary actions taken. Within the procedures for dealing with complaints under this policy, Activ8 Learning will seek to comply with all relevant equal rights legislation (Equality Act 2010), concerning for example discrimination on grounds of age, disability, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, gender identity and gender reassignment.

This policy concerns complaints from service users: it does not cover complaints made by Activ8 Learning staff or freelance workers about work-related issues. These are dealt with by our Grievance and Disciplinary Procedure. Where a complaint from a service user concerns a member of Activ8 Learning staff or freelance worker, however, the disciplinary procedure will be invoked if appropriate. Any action against a member of staff will be undertaken only through this procedure.

2. Avoidance of grounds for complaint

Prevention is better than cure. Activ8 Learning will seek to avoid grounds for legitimate complaint in the following ways.

- a) Accurate advance information will be provided about all programmes of learning and related activities.
- b) Induction to all programmes of learning will ensure that all learners fully understand and accept the nature of the programme, their obligations and those of Activ8 Learning. In particular, any assessment requirements will be spelt out.

- c) Individual learning needs will be identified as part of the induction process and learners will be clearly informed of the level of support that will be offered.
- d) Learning programmes endorsed or validated by external organisations and regulatory bodies (e.g. City & Guilds, ILM, HABC, CACHE, SkillsActive, e-t foundation, CfA, etc) will be delivered according to the standards laid down by these agencies. Activ8 Learning will co-operate fully with any relevant external quality assurance processes.
- e) Activ8 Learning will continually monitor and evaluate the quality of all its learning programmes with a view to making improvements. Monitoring will include seeking feedback from learners and employers.

3. Informal expression of concerns

Where cause for dissatisfaction nevertheless exists, this is best dealt with wherever possible on the spot, by the people most directly concerned. Information and induction provided for service users will encourage the prompt expression of concerns to the immediate Activ8 Learning contact, whoever that may be. All Activ8 Learning staff and associated freelance workers are expected to adopt a responsive customer care approach to such concerns. Possible outcomes may be as follows:

- a) The concern is resolved to the service user's satisfaction, either by immediate action or by the promise of later action. In this case, the Activ8 Learning contact must report to her / his line manager the nature of the concern and the action taken or promised. The incident must be recorded in any written report or evaluation of the activity.
- b) The Activ8 Learning contact is unable to resolve the concern to the service user's satisfaction by immediate action or promise of action, for example through lack of knowledge of possible solutions. In this case the Activ8 Learning contact must refer the concern to her / his line manager for resolution and must tell the service user who this person is. The incident must be recorded in any written report or evaluation of the activity. The line manager will then do her / his best to resolve the concern as in a) above.
- c) Neither the immediate contact nor her / his line manager is able to resolve the concern informally, for whatever reason. In this case, the incident must be recorded and reported to the Centre Manager. The service user must be told that an informal resolution does not appear possible and that s/he has the right to make a formal complaint within ten working days.

4. Disputes and appeals concerning assessment

Disputes and appeals concerning assessment are governed by the regulations of the relevant awarding organisations. Learners may dispute assessment decisions on the following grounds of alleged failure to meet national standards:

- a) The way in which the assessment was conducted;
- b) The adequacy of the evidence presented when set against the relevant national standards and evidence requirements;

- c) The adequacy of the opportunities offered to demonstrate competence.

Disputes concerning assessment should be raised initially with the assessor responsible, as soon as possible and within a maximum of ten working days from the disputed decision. The assessor must investigate and seek a resolution with the learner within a further ten working days. Disputes that cannot be resolved informally between learner and assessor must be referred by the assessor to the relevant internal verifier (IQA) within five working days of the failure to agree with the learner. The IQA must investigate and report to the assessor and learner within a further ten working days. An appeal against the IQA's decision may be made by the learner to the Lead IQA within ten working days of receipt of the IQA's report.

The outcomes of an investigation or an appeal regarding assessment at any stage may be as follows:

- I. Confirmation of the original assessment decision
- II. Recommendation that the assessment decision be reconsidered
- III. Re-assessment of the relevant competences.

Appeals against the decision of the Lead IQA can be made only to the relevant Awarding Organisation, following their rules of procedure.

5. Formal complaint to the Centre Manager

In matters other than disputes and appeals concerning assessment, when informal discussion has not produced a resolution to the service user's satisfaction, a formal complaint may be made to the Centre Manager. This may initially be done verbally, but it must be followed up by a written complaint within ten working days of failure to resolve the issue informally, as described in para. 3c above. The following actions will be taken in response to a timely complaint:

- a) The Centre Manager must acknowledge the written complaint in writing within five working days of its being received.
- b) The Centre Manager must investigate the complaint and must make a written response to the complainant, as detailed below, within a further ten working days from receipt of the written complaint.
- c) In carrying out the investigation, the Manager must hear the views of all relevant parties.
- d) The Centre Manager must include the following information in her / his written report on the investigation. A copy of this report must be given to the complainant.
 - I. Name of complainant
 - II. Date and time written complaint received
 - III. Details of the complaint (including any earlier unsuccessful attempts at resolution)
 - IV. The complainant's desired outcome
 - V. How the complaint has been investigated
 - VI. Conclusions reached

- VII. Actions to be taken
- VIII. The complainant's response to the above.

6. Formal complaint to the Board of Directors

If the complainant is not satisfied with the resolution proposed by the Centre Manager, s/he must be informed of her/his right to take the complaint to the Board of Directors of Activ8 Learning. Alternatively, if the complaint concerns the Centre Manager, the formal complaints process will begin at this level, once informal attempts at resolution have failed. The Board of Directors will not entertain complaints except in these two circumstances. Complaints to the Board of Directors must be addressed to the Chairperson of Directors in writing. Written complaints must be received at the Activ8 Learning office within ten working days either of the issuing of the Centre Manager's investigation report, or of the failure of informal resolution of a complaint against the Centre Manager, as relevant. The complaint must provide the following information:

- Name and contact details of complainant
- Details of the complaint (including any earlier unsuccessful attempts at resolution)
- Complainant's desired outcome.

The following actions will be taken in response to a timely complaint:

- a) The Chairperson must acknowledge the complaint in writing within five working days of its being received.
- b) The Board of Directors must convene a Complaints Committee made up of members of the Board to investigate the complaint within a further fifteen working days. In carrying out this investigation, the Complaints Committee must hear the views of all relevant parties.
- c) The findings of the investigation must be reported in writing to the complainant within a further five working days, including the following information:
 - I. Name of complainant
 - II. Date and time complaint received
 - III. Details of the complaint (including any earlier unsuccessful attempts at resolution)
 - IV. The complainant's desired outcome
 - V. How the complaint has been investigated
 - VI. Conclusions reached
 - VII. Actions to be taken
 - VIII. The complainant's response to the above.

7. Appeal to External Regulatory Organisations

The Board of Directors represents the final level appeal within Activ8 Learning. If the complainant is not satisfied with the resolution proposed at this level, s/he may be advised in certain circumstances of her / his right of appeal to the relevant external regulatory organisation such as City & Guilds, ILM, HABC, e-t foundation, CfA or SkillsActive. The right to such an appeal depends on the

nature of the original complaint. The conduct of any appeal to an external regulatory organisation will be governed by the procedures of the relevant agency.

8. Confidentiality

Complainants have the right to confidentiality at every stage during and after an investigation. Information compiled in the course of investigating a complaint must be held securely in compliance with the Data Protection Act.

9. Support, representation and equal rights

Complainants have the right at every stage of an investigation to be accompanied or represented by a friend. Investigations must be carried out in a way that offers equal rights to all complainants, including those with particular needs.

10. Possible actions in response to an upheld complaint

If a complaint is upheld as justified at any stage of an investigation, the following remedies may be offered where appropriate:

- a) An apology;
- b) An explanation;
- c) An indication of how the situation should have been handled;
- d) An indication of steps taken to prevent a recurrence of the incorrect action;
- e) Reversal of a mistaken decision;
- f) Access to an alternative service;
- g) Refund of a charge.

11. Time frame for complaints and appeals

Informal concerns should be expressed at the earliest possible moment. Formal complaints or appeals at each stage of the processes outlined above must be made within the time frames specified. Failure by the complainant to adhere to these time frames may result in no further action by Activ8 Learning.

12. Vexatious complaints

In exceptional circumstances, investigation may indicate that a complaint is vexatious. A decision to this effect can only be made by the Board of Directors, once all stages of the process up to that point have been exhausted. The Board of Directors must provide a written statement to the complainant if this decision is made, indicating further avenues of appeal (if any).

13. Reporting and review

The Centre Manager will set up a system of Complaints Monitoring Forms. The Manager will ensure that the following information is recorded for each complaint:

- a) Brief outline of the complaint
- b) Actions taken at each stage, with dates
- c) Response time targets met at each stage (yes / no) and reasons if not
- d) Service user response at each stage (satisfied / not satisfied)
- e) Final outcome (complaint upheld / not upheld)
- f) Remedial action, if any

The Centre Manager will report regularly to the Board on complaints received and actions taken. The Complaints Policy as a whole will be reviewed by the Board, at intervals of no longer than three years.

14. Date of adoption and review

This policy on dealing with complaints was adopted by the Directors / Trustees of Activ8 Learning on: 20th May, 2014

Signed on behalf of Chair of Trustees:

B Linford



Due date of next review: Sep 2020