



# Complaints Procedure 2019/20

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Doc No POL003



Education & Skills  
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## Policy Statement

This policy and procedures have been developed to support Winnovation Training. Its purpose is the recognition that all users of Winnovation Training's services have a right to raise complaints and to have problems investigated and appropriately acted upon. Winnovation Training welcomes and encourages feedback from learners and members of the public to enable continuous improvement of our services. Where complaints occur Winnovation Training makes every effort to resolve them quickly at the most appropriate level.

## Aims and Objectives

This policy applies to all complaints from enrolled learners and parents/carers of learners under 18, employers and other users of Winnovation Training services and facilities.

Any expressed dissatisfaction with the following will be treated as a complaint:

- Failure by the Winnovation Training to meet obligations including those outlined in learner handbooks
- Concerns about the delivery of a course, quality of teaching or administration
- The quality of facilities, learning resources or services provided directly by Winnovation Training
- Complaints involving other organisations or contractors providing services on behalf of the Winnovation Training.

## Policy Statement

1. The Policy does not cover complaints about academic assessment i.e. grades and marks which are covered by the Appeals procedure.
2. Staff complaints will be resolved using the Winnovation Training's Staff Grievance Procedures.
3. Complaints which are deemed to fall into any of the categories listed below will not be considered under the scope of this policy and procedure.
  - Anonymous
  - Already been investigated and disposed of
  - Outside the scope of the procedure
  - Made without disclosing adequate grounds
  - Made outside the time limit
  - Been disposed of in court or tribunal proceedings brought by the complainant or under settlement agreement between the complainant and the Winnovation Training
  - Are malicious, vexatious or frivolous

If a learner is found to have made a malicious complaint, this could lead to disciplinary action being taken. It is anticipated that the majority of complaints will be resolved satisfactorily on an informal basis and close to their point of origin. If it is apparent that the complaint is of a general nature, it may be more

Doc No POL003



Education & Skills  
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appropriate for the matter to be taken up through the appropriate staff/learner committee.

### **Legal Framework**

The Education and Skills Funding Agency (ESFA) requires Winnovation Training to have a complaints procedure.

### **Principles**

- Whenever possible any concerns will be dealt with as soon as any member of the Winnovation Training staff is made aware of them.
- The Winnovation Training will only respond to formal complaints that have been raised within three months of the occurrence of the complaint.
- A formal complaint will be acknowledged within five working days of receipt by the Quality Manager.
- Winnovation Training's Quality Manager will maintain a full record of complaints received and their outcome.
- Following the investigation, a response will be sent to the complainant within 20 working days. Where more time is needed e.g. the complaint is complex, the complainant will be sent an interim letter outlining progress with the investigation and giving a date for the full response.
- Responses to complaints will include details on appeals. Valid appeals will usually be investigated and responded to within 20 working days.
- Although Winnovation Training staff cannot make a complaint on behalf of a learner, they will assist in recording a complaint.

### **Winnovation Training Responsibility**

- All staff are responsible for ensuring that complaints are dealt with in a supportive, courteous and timely manner.
- Complaints will usually be investigated by the Quality Manager.
- A complainant has the right of appeal against the response to his/her complaint (see appeals).
- Complainants are expected to bring their complaint to Winnovation Training's attention within one of the reason for the complaint occurring.
- To facilitate the investigation the complainant should explain the problem as clearly and as fully as possible (such as including names, times, dates) and include any action taken to date.
- Complainants must recognise that in some circumstances are beyond the control of the Winnovation Training which will impact on the final outcome of any complaint.

## The Procedure

### Stage 1 (Informal)

- The complainant should raise their concerns with the member of staff who has direct responsibility for the matter in question to try to achieve a satisfactory resolution.
- If the complainant is unable to raise their concern with the staff who has direct responsibility, then the complaint should be made to the Quality Manager who should try to achieve a satisfactory resolution.
- If the complainant does not feel that their concerns have been addressed by the member of staff within the organisation, then they should make a formal complaint to the Quality Manager.
- The complaint may involve the Quality Manager, in such cases it is reasonable to progress directly to stage 2.

### Stage 2 (Formal)

- On receipt of a formal complaint, the Quality Manager will log the complaint using the Winnovation Training Complaint Report Log and acknowledge its receipt within 5 working days.
- If a member of the team receives a formal complaint in writing they must add the date when it was received before passing the communication immediately to the Quality Manager who will log it and acknowledge its receipt to the complainant.
- The Quality Manager will then conduct a full investigation. However, if the Quality Manager has already had some involvement with the issue, the Operations Director will be appointed to conduct the investigation.
- Within 15 working days of receiving a complaint from the Quality Manager, will prepare a signed letter of reply for the complainant detailing the outcome and actions arising from the investigation.
- In highly exceptional cases where the Quality Manager is unable to meet the above timescale, this will be communicated to the complainant and the operations Director or Company Director.
- The Quality Manager will advise the Operations Director of any investigations where a complaint has not been fully resolved.

## Appeals

The complainant has the right of appeal against the response to his/her complaint. The appeal may only be made on one or more of the following grounds:

- That there is additional evidence that could not have been made available at the time the original complaint was considered.
- Proper procedure was not followed.

## Appeals Procedure

- The complainant should make their appeal in writing to the Operations Director within 15 days of the date of the letter outlining the outcomes of the investigation.
- The letter of appeal should clearly state the grounds of appeal (see above).
- Any appeals which do not include this information will not be considered.
- The Quality Manager will review the investigation and provide a written response to the complainant usually within 20 working days.
- If the appeal is upheld, the Winnovation Training will apologise and make clear the actions taken to address the issue. If the appeal is not upheld, the response will detail the findings of the appeal process.
- Both the appeal and the response will be copied to the Quality Manager.
- In exceptional circumstances, the Operations Director will convene a panel. This would only occur where significant new evidence has been received.
- It is the responsibility of the Operations Director to convene the appeal panel which will consist of a member of the Senior Leadership Team and another senior manager.
- The Operations Director agrees a date for the appeal hearing and confirms the details in writing to the complainant. The appeal panel meeting is usually arranged within 20 working days of the receipt of the grounds for appeal.
- The complainant will be offered the opportunity to be accompanied by a friend or a representative (who may not be a practicing solicitor or barrister).
- The appeal panel considers the matters identified in the grounds for appeal and may uphold, amend or overturn the original decision of the Winnovation Training.
- The record of the decision of the appeal panel will be provided within 10 working days of the panel meeting.
- There is no further right of appeal within the Winnovation Training's procedures.
- Complainants can contact the relevant external funding agency if they feel that Winnovation Training has not dealt with the complaint according to this procedure.

This ends our formal complaints procedure. If you are still not satisfied or you feel your complaint needs to be escalated, you can contact the ESFA

You should email complaints to [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk),

or put them in a letter to:

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

For further information please visit

<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>

Doc No POL003



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