

APPEALS, CONCERNS & COMPLAINTS POLICY AND PROCEDURES

2023-24



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Name: Juwairiyah Patel **Signature:**  **Date:** 13/03/2024
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RECENT CHANGE HISTORY

VERSION	DATE	REASON FOR CHANGE	CHANGE BY
4	13/03/2024	Full review and update to new policy template	Gillian Dewsbury Business Excellence Manager

Please Note: A formal, full review of this document will take place on a 3-yearly basis. However, in the interim, the document will be updated as necessary to remain current with any statutory legislation and/or significant Government guidance updates on the subject.

CHANGE MECHANISM

Any person seeking to alter this document must consult the author before making any change.

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1. Purpose

To detail L&F Training's processes for resolving appeals, concerns and complaints. L&F Training (L&F) uses any appeals, concerns or complaints raised, to inform and enhance L&F practices and procedures; thereby improving our performance and service to L&F customers.

2. Scope

The complaints procedure is designed to deal with, but is not limited to:

- a. Appeals, concerns or complaints raised by learners, employers, other customers or service users, or the general public in relation to L&F activities, staff or any service provided by the L&F.
- b. Complaints relating to sexual, racial, disability or any other form of discrimination.
- c. Appeals raised by learners, staff and others, in relation to L&F's processes.
- d. Concerns or complaints relating to equipment and facilities.

3. Process

At each stage, the person investigating an appeal, concern, or complaint will make sure that they:

- Establish what has happened, including any actions to address so far, and who has been involved
- Clarify the nature of the appeal, concern or complaint and what remains unresolved
- Meet with the complainant or contact them, if necessary
- Clarify what the complainant feels would put things right
- Interview those involved in the matter and/or those complained of (or those about whom a concern has been raised), allowing them to be accompanied if they wish
- Conduct any interviews with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview and any activities and communication in relation to the appeal, concern or complaint.

a) Who can raise an appeal, concern or complaint?

Any person, including members of staff or the public, may raise an appeal or concern or make a complaint to L&F about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), L&F will use this appeals, concerns and complaints procedure.

b) The difference between an appeal, a concern and a complaint

- i. An appeal may be defined as 'an application to a higher authority for a reversal of the decision of a lower authority.'
- ii. A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- iii. A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that appeals, concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this appeals, concerns and complaint's procedure. L&F takes appeals, concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, we will refer you to another staff member. Similarly, if the member of staff directly involved, feels unable to deal with an appeal, concern or complaint, we will refer you to another staff member.

The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, L&F Training will attempt to resolve the issue internally, through the stages outlined within this policy and procedure.

c) How to raise an appeal or concern or complaint

An appeal, concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party, acting on behalf on a complainant, as long as they have and can evidence, the appropriate consent to do so.

Complaints against training staff (except the management team) should be made in the first instance, to Juwairiyah Patel, the Director of Operations, juwairiyah@landftraining.com. Please mark them as Private and Confidential.

Complaints that involve or are about the management team should be addressed to the Director c/o Gillian Dewsbury (HR Manager Designate), via hr@landftraining.com. Please mark them as Private and Confidential.

For Appeals, these should always be made in writing and should be addressed to the Director c/o Gillian Dewsbury (HR Manager Designate), via hr@landftraining.com

For ease of use, a template complaint form is included at the end of this policy and procedure document. If you require help in completing the form, please contact L&F Training on 01278 550261. You can also ask a third-party organisation, for example the Citizens Advice, to help you.

In accordance with equality law, L&F will consider making reasonable adjustments, if required, to enable complainants to access and complete this complaint's procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

d) Anonymous Appeals, Concerns or Complaints

L&F will not normally investigate anonymous concerns or complaints received. However, the Director of Operations or HR Manager, if appropriate, will determine whether the concern or complaint warrants an investigation.

e) Timescales

For a Concern or Complaint, you must raise the concern or complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider concerns or complaints made outside of this time frame if exceptional circumstances apply.

For an Appeal, you must raise the appeal within 10 working days from the date of the letter notifying you of L&F Training's decisions of the investigation to which the appeal is relating.

f) Appeals, Concerns or Complaints received out of working hours

L&F will consider appeals, concern and complaints made outside of working hours to have been received on the next working day, following receipt.

g) Scope of this appeals, concerns and complaint procedure

This procedure covers all appeals, concerns or complaints about any services provided by L&F Training Ltd, including those about L&F Training's processes, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact:</p> <ul style="list-style-type: none"> • L&F's Designated Safeguarding Lead • The local authority designated officer (LADO) who has local responsibility for safeguarding or
Whistleblowing	<p>L&F have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>For the official guidance in relation to Whistleblowing, please check the gov.uk website: https://www.gov.uk/whistleblowing</p>
Staff grievances	Complaints from staff will be dealt with under the company's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the company's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>

If other official bodies are investigating aspects of the complaint or appeal, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on L&F's ability to adhere to the timescales within this procedure.

Alternatively, it may result in the procedure being suspended until those public bodies have completed their investigations. If this happens, L&F will inform you of proposed new timescales.

If a complainant commences legal action against L&F Training in relation to their complaint, L&F will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

h) Resolving appeals, concerns and complaints

At each stage in the procedure, L&F wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review L&F policies in light of the complaint
- an apology.

i) Withdrawal of an appeal, concern or complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

4. Stage 1 - Informal Concerns or Complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class Tutor; Curriculum & Tutor Manager or the Director of Operations.

If the tutor is confident they can resolve the concern, they should do so; but if they are uncertain, they should simply acknowledge the concern and escalate it immediately to the Curriculum and Tutor Manager to take forward as appropriate.

Any complaints received by the Tutor, should be acknowledged and escalated to the Curriculum and Tutor Manager without further action.

At the conclusion of their investigation, the appropriate person investigating the concern or complaint will provide an informal written response within 14 working days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

5. Stage 2 - Formal Complaints

Formal complaints must be made to the Director of Operations (unless they are about the Director of Operations or another member of the Management team - see below). This may be done in person or in writing (preferably on the Complaint Form).

The Director of Operations will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 7 working days.

Within this response, the Director of Operations will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Director of Operations can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Director of Operations may delegate the investigation to another member of the company's senior leadership team (SLT) but not the decision to be taken.

During the investigation, the Director of Operations (or the assigned SLT investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Director of Operations will provide a formal written response within 28 working days of the date of receipt of the complaint.

If the Director of Operations is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions L&F Training Ltd will take to resolve the complaint.

The Director of Operations will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Director of Operations, or another member of the Management team, the complaint should be made to the Director c/o the HR Manager via hr@landftraining.com. The Director will assign a suitably skilled investigator to complete all the actions at Stage 2; or will undertake these steps themselves.

If the complaint is jointly about:

- The Director of Operations
- The majority of the governing body (potentially including the Director)

Stage 2 will be considered by an independent investigator appointed by the governing body.

At the conclusion of their investigation, the independent investigator will provide a formal written response.

6. Stage 3 - Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is independent of the management and running of the company.

This is the final stage of the complaint procedure.

A request to escalate to Stage 3 must be made to the Director c/o the HR Manager, via hr@landftraining.com, within 14 working days of receipt of the Stage 2 response.

The Director, or their formally assigned representative, will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 14 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Director will write to the complainant to inform them of the date of the Panel Hearing meeting.

They will aim to convene a meeting within 28 working days of receipt of the Stage 2 request. If this is not possible, the Director, will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Director, will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is about:

- The Director of Operations
- The majority of the governing body

Stage 3 will be heard by a committee of independent personnel.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a company employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Notes:

- Complaints about staff conduct will not generally be handled under this complaint procedure. Complainants will be advised that any staff conduct complaints will be considered under (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
- Representatives from the media are not permitted to attend the Panel Hearing.

At least 7 working days before the meeting, the HR Manager will:

- Confirm and notify the complainant of the date, time and venue of the Panel Hearing meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- Request copies of any further written material to be submitted to the committee at least 4 working days before the meeting.

Any written material will be circulated to all parties at least 2 working days before the date of the meeting.

Please Note:

- The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.
- New complaints must be dealt with from Stage 1 of the procedure.

The Panel Hearing meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before electronic recording of meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- Uphold the complaint in whole or in part
- Dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- Decide on the appropriate action to be taken to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and L&F Training Ltd with a full explanation of their decision and the reason(s) for it, in writing, within 28 working days.

The letter to the complainant will include details of how to escalate the matter further, if they are dissatisfied with the way their complaint has been handled by L&F Training Ltd.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions L&F Training Ltd will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about (of the complaint is related to an individual member of staff).

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.

7. Escalating an appeal, concern or complaint once all the stages of the procedures have been followed and the learner remains unsatisfied

i. GLA Skills for Londoners Project Learners

Any Learners who have been studying with L&F Training, as part of the GLA Skills for Londoners Project: If you are unsatisfied after the final outcome of L&F's Concerns and Complaints procedures; you may escalate your complaint to the GLA at Skillscomplaints@london.gov.uk

ii. Private Learners

Any private learners who remain unsatisfied with the final outcome of L&F's Concerns and Complaints procedures (see below) may consider contacting an ombudsman to take the matter further via <https://www.citizensadvice.org.uk/consumer/get-more-help/how-to-use-an-ombudsman-in-england/>

iii. Other ESFA or AEB funded Learners

Any complainant who remains unsatisfied with the final outcome of these processes and procedures, in relation to their appeal, concern or complaint, after going through all the stages of the procedures (see below); may consider raising a complaint with the ESFA following their guidance:

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

8. Roles and Responsibilities

a) Complainant (Individual raising appeal, concern or complaint)

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full, as early as possible
- co-operate with L&F Training in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

b) Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Director of Operations or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Director of Operations or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

c) Appeals, Concerns and Complaints Co-ordinator

Please note: This could be the Director of Operations, The Business Excellence manager or another member of staff designated to keep accurate records of appeals, concerns and complaints and/or to provide administrative support.

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Director of Operations or others as appropriate to ensure the smooth running of the complaint procedure and
- keep accurate records of progress, timescales and deadlines
- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person etc.

d) Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and L&F Training are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the curriculum and tutor manager (and complaints co-ordinator, if the company has one).

e) Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- The aim of the meeting should be to resolve the complaint and achieve reconciliation between L&F Training and the complainant
- We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting
 - If the complainant is under 18 years old, it should be remembered that parents/carers often feel emotional when discussing an issue that affects their child/the young person in their care.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
 - Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
 - The committee should respect the views of the child/young person and give them equal consideration to those of adults.
 - If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.
 - Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
 - However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the complainant, especially when they are a child/young person is paramount.

9. Learner Feedback

L&F training actively engages with learners through their tutors and various feedback surveys throughout the Academic Year and via the Monthly Hot Topics and regular Newsletters issued. L&F is very keen to learn about and act on any concern's learners have, regarding their experience with L&F Training.

6.2. The Director of Operations will share outcomes of appeals, concerns and complaints with relevant bodies and the team, where there are lessons to learn and enhancements to provision can be made as a result of the appeal, concern or complaint raised.

6.3. Records of appeals, concerns and complaints will be considered as part of the enhancement strategy.

10. Vexatious Complaints

In a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for L&F Training.

L&F Training does not expect staff to tolerate behaviour which is abusive, offensive or unreasonably persistent (vexatious). If a complainant behaves in a way that is unreasonably persistent or vexatious, L&F will take action to protect staff from such behaviour. For example:

- A complaint which is primarily to antagonize or bring distress or suffering to other parties.

- A complaint which forms a series of complaints by the same complainant.
- Where previous complaints have already been investigated and completed.
- Using abusive or foul language on the telephone, in writing or face to face.
- High volumes of emails, multiple telephone calls or multiple voice mails.

Raising legitimate queries or criticisms of the complaints procedure, or wishing to challenge the complaint outcome, should not necessarily cause the complainant's actions to be labelled vexatious or unreasonably persistent.

Complaints that appear vexatious will be referred to a senior manager who will decide whether the complaint is vexatious and if any actions are needed. Actions may include, but are not limited to:

- L&F Training applying contact restrictions.
- L&F ceasing investigation of the complaint.
- The Student Disciplinary process being invoked.

The complainant will be advised accordingly of any actions taken. The complainant may appeal against the decision by writing to the Director of Operations.

11. Key Contacts

For:	Name	Role	Contact email
Initial Concerns	Denise White	Curriculum and Tutor Manager	denisewhite@landftraining.com
Complaints re: Training staff	Juwairiyah Patel	Director of Operations	juwairiyah@landftraining.com
Complaints for Management Team members	The Director c/o Gillian Dewsbury	HR Manager Designate	hr@landftraining.com
Appeals against complaint decisions	The Director c/o Gillian Dewsbury	HR Manager Designate	hr@landftraining.com
Stage 3 escalations	The Director c/o Gillian Dewsbury	HR Manager Designate	hr@landftraining.com

12. Associated Policies and Documents

- L&F Appeals Procedure (Awarding Body Approved Centre)
- L&F Staff Conduct and Discipline Policy
- Learner Handbook

13. Complaint Form

Please complete this form and return it to the Director of Operations, who will acknowledge receipt and explain what action will be taken:

Your name:
Learner's name (if relevant):
Your relationship to the learner (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including whether you have spoken to anybody at the company about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

OFFICE USE

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date: