

Complaints and compliments Policy and Procedure

Commitment

ACT are committed to delivering high quality learning experiences, and utilising feedback provided from the submission of complaints and compliments to support us to continuously improve the products and services that are provided to learners and other stakeholders.

ACT acknowledge a complaint as any statement of dissatisfaction, and in the event of stakeholder dissatisfaction the Complaints Policy and Procedure should be followed.

ACT endeavour to maintain high standards of all its activities and customer service through continuous improvement and so all complaints, compliments and comments will be evaluated and reviewed centrally and regularly.

Purpose

This procedure operates in conjunction with the separate CAVC Group Complaints, Compliments and Comments Policy.

This procedure aims to ensure that all complaints, compliments and comments are managed and processed in the most appropriate manner, and following a set procedure, and ensure that where required, appropriate action is taken following submission of stakeholder feedback.

This procedure outlines methods how stakeholders can submit feedback on their experiences with ACT, key timescales that we aim to follow, and the process for appeal against the outcome of any investigation completed by us. All complaints will be treated with the utmost respect, sensitivity and discretion within specific timescales.

This procedure also outlines the arrangements for complaints made by ACT to external organisations where their actions, decisions, services or conduct affect ACT or its stakeholders.

Scope

This procedure applies to all types of feedback, including compliments, comments and complaints - whether formal or informal. This procedure applies to all ACT/Partner activities and services regardless of type or location.

ACT recognise and acknowledge complaints may vary in type and severity (minor, severe and very severe) and may be in relation to a wide range of activities.

The procedure also applies where ACT raises a complaint in its organisational capacity with an external body, including an Awarding Organisation, regulator, commissioner, supplier or other organisation with which ACT works.

These could include:

- Learners/Pupils
- Any person(s) associated with the teaching received and welfare of the learner whilst at ACT such as, but not limited to, Parents, Guardians, Carers, Social Workers, Probation Officers, Careers Officers, Teachers (for 14-16 provision)
- Stakeholders such as, but not limited to, Employers, Referral Services, Schools, Referred To services
- Local Community individuals or bodies
- Subcontractors/Partners

Please note:

- Learners/Pupils who are not satisfied with assessment decisions should follow the Learners' Appeals Procedure.
- Parents and guardians can make a complaint on behalf of a learner/pupil under the age of 18, or who is a vulnerable adult. No investigation of a complaint made on behalf of a learner/pupil will be undertaken without that learner/pupil's written agreement to the concerns raised and written consent for an investigation to be carried out.
- Where a complaint involves allegations of criminal conduct, ACT will consider whether it would be more appropriate to suspend its internal procedures for dealing with that complaint, pending the outcome of any police investigation.
- Complaints that are deemed to be of a serious nature may go straight to Stage 2 (Formal Complaint). The final decision on this rests with the Head of Continuous Improvement. Examples of a serious complaint are outlined in Appendix A.
- No learner/pupil bringing a complaint under these Procedures, whether successfully or otherwise, will be treated less favourably by any member of staff moving forwards after the complaint has been closed.
- For practical reasons, normally no action will be taken in the event of a complaint being made anonymously. There may, however, be exceptional circumstances where ACT deems it appropriate to take action or investigate a matter on the basis of an anonymous complaint e.g., relating to Safeguarding. Any decision to do so must be agreed by the Head of Continuous Improvement.

Responsibilities

The Head of Continuous Improvement, Headteacher and Delivery Director have overall responsibility for this policy and its implementation.

Directors and Heads of Department are responsible for:

- Identifying matters that may warrant a complaint to an external organisation
- Ensuring that informal resolution, appeal or other appropriate routes have been considered
- Approving complaints made on behalf of ACT within their area of responsibility
- Escalating matters presenting significant contractual, financial, legal, regulatory or reputational risk to the Senior Leadership Team

The Head of Continuous Improvement is responsible for:

- Overall responsibility for this Policy/Procedure
- Investigation of any/all complaints which relates to, or affects the Safeguarding or Health and Safety of any stakeholder. The Head of Continuous Improvement will ensure that the Lead Safeguarding Officer/Health and Safety Manager are made immediately aware of the situation.
- Monitoring and analysis of information that relates to complaints across the ACT Network, using data to identify common themes/trends across individual provide
- Working closely with the Headteacher in relation to any/all complaints made in relation to the ACT Schools provision
- advising on and coordinating complaints to external organisations relating to quality, qualifications, assessment or the learner experience
- maintaining a central record of formal external complaints and their outcomes; and
- monitoring resulting actions and organisational learning

The Headteacher is responsible for:

- Monitoring of complaints in relation to the ACT Schools provision, to include keeping records of all related and relevant conversations and discussions for the purpose of future reference and review by the full governing body. These records will be kept for a minimum of seven years.
- Working with the Head of Continuous Improvement to record and investigate complaints relating to ACT Schools, to include follow up of any/all suggested actions

Partner Managers are responsible for:

- Reviewing partner monthly submission documents to identify complaints across partner providers
- Notifying the Head of Continuous Improvement of any complaints so they can be included on the ACT complaints log
- Working with Partner Quality contacts to review the investigation that has been completed into any/all complaints, to:
 - Review the background to the complaint
 - Review the investigation process
 - Review the outcomes of the complaint
 - Ensure that appropriate action is taken (where required) following a complaint

Communication and Storage

This will be communicated through all first line managers and to staff, as appropriate.

This is stored on the ACT Intranet, the ACT Website and the ACT Schools website.

Procedure

Flow charts of the process for Complaints, Compliments and Comments are included below.

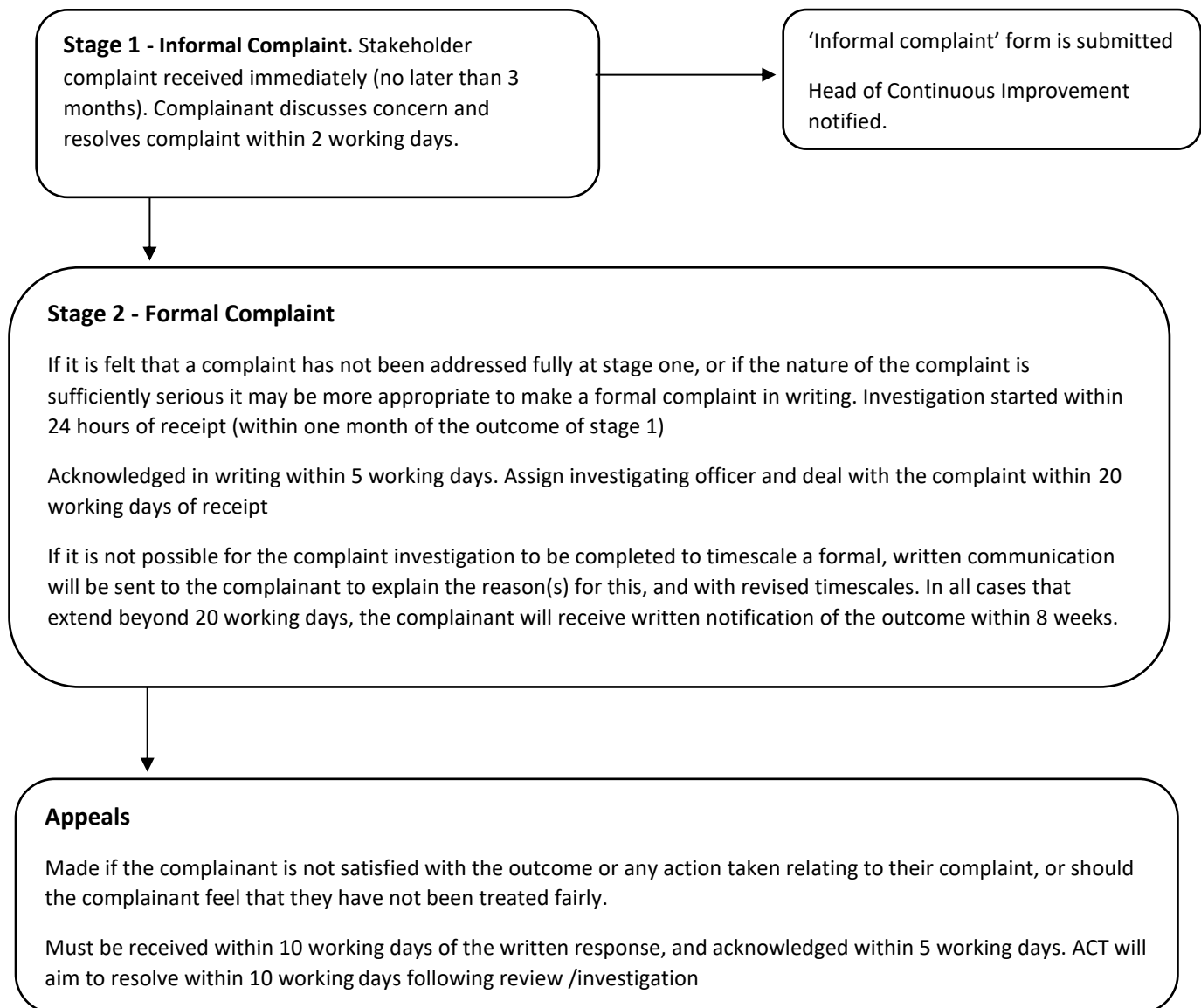
See Annex 1 for detailed procedures – Apprenticeships and JGW+

See Annex 2 for procedures in relation to complaints relating to members of staff.

See Annex 3 for the procedure for complaints made by ACT to external organisations.

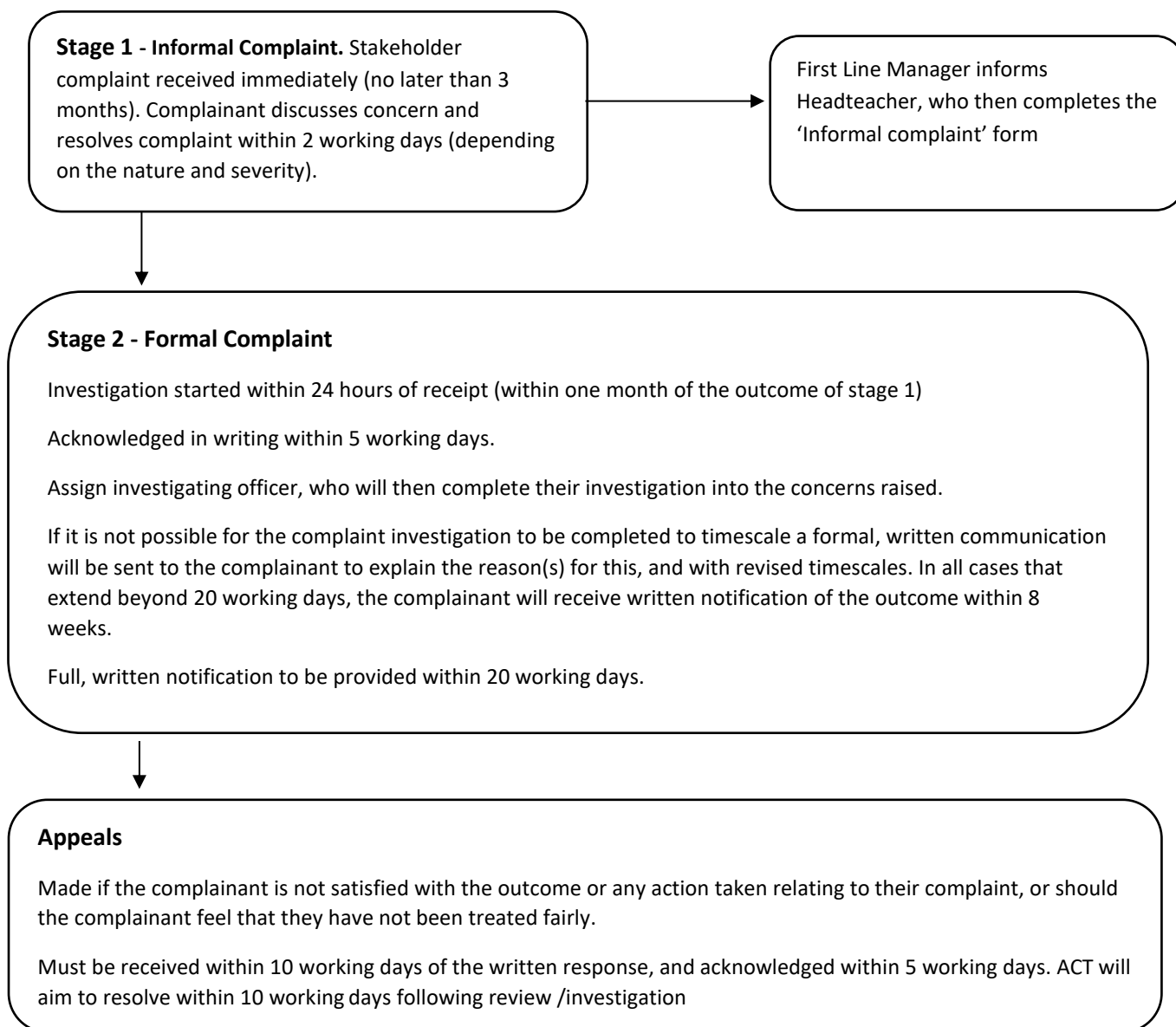
Complaints process

(ACT Apprenticeship, JGW+ and Operations)



Please note: Regular updates of new, closed and ongoing complaints are provided to relevant Directors. Monthly reports are provided to Senior Leadership Team and Directorate.

Complaints process (ACT Schools provision)



Please note: Regular updates of new, closed and ongoing complaints are provided to Senior Leadership Team and the Directorate.

Document / Policy Change Request

Changes to this policy and procedure will be dealt with by the Head of Continuous Improvement

Document / Policy Reviewing and Approving

This will be reviewed annually by the Head of Continuous Improvement.

References

CAVC Group Complaints, Compliments and Comments Policy.

Annex 1 – Detailed procedure

Stage 1 Informal

(Complaints can be made verbally in person or by phone; in writing by email or letter)

Depending on the nature and severity of the complaint it is advised at this stage for the matter to be addressed informally through discussion with a member of ACT staff who is most involved prior to making a formal complaint with the aim to agree an informal resolution within 2 working days. If this is not appropriate with this person, any member of staff including the management team are available.

The member of staff is responsible for informing their line manager, and to log the informal complaint on the informal Complaints Log. It is the responsibility of all subsequently involved parties to record further activity and actions on the informal Complaints Log. Only if these measures fail to reach a satisfactory conclusion should you move to Stage 2 and register a formal complaint.

Stage 2 Formal Complaints

(Complaints at this stage should be submitted via letter or email)

If it is felt that a complaint has not been addressed fully at stage one, or if the nature of the complaint is sufficiently serious it may be more appropriate to make a formal complaint in writing. Support in doing so can be provided on request and complaints are welcome in Welsh and English.

Complaints submitted by letter should be sent to the Head of Continuous Improvement, ACT Training, Ocean Park House, E Tyndall St, Cardiff CF24 5ET

Complaints submitted by email should be sent to feedback@acttraining.org.uk

Investigation of the complaint will commence within 2 working days of receipt and the complaint will be acknowledged, in writing, within 5 working days. An appropriate member of staff will be appointed to investigate the matter ensuring the process is unbiased and fair.

Where a complaint names or concerns a member of the Senior Leadership Team, the Head of Continuous Improvement will consider whether that individual is substantively involved in the matters raised or whether there is an actual or perceived conflict of interest. Merely being referred to, or having had previous involvement in correspondence, will not necessarily prevent an individual from having a role in the process.

Where a conflict of interest is identified, the individual concerned will not appoint the Investigating Officer, conduct the investigation, influence its outcome or form part of any subsequent Review Panel. The complaint will be referred to an appropriate senior person who has had no prior involvement in the matter.

Complaints concerning the Chief Executive will be referred to an appropriate independent Board member or an external investigator, where necessary.

The person who is the subject of the complaint will be informed of the relevant concerns and given a fair opportunity to respond as part of the investigation.

ACT aim to deal with all formal complaints normally within 20 working days of receipt of the written complaint. In investigating the complaint the 'Investigating Officer' may consider documents and meet with individuals at his or her discretion.

The complaint will be investigated and contact will be made with all relevant parties to gather information and supporting evidence.

Within 20 working days the complainant will receive written notification of the outcome of the complaint or details of any ongoing investigations necessary. (Please note informal complaints are aimed to be resolved within 2 working days depending on the nature and severity of the complaint).

If it is not possible for the complaint investigation to be completed to timescale (i.e., within 20 working days for formal complaints), a formal, written communication will be sent to the complainant to explain the reason(s) for this, and with revised timescales. In all cases that extend beyond 20 working days, the complainant will receive written notification of the outcome within 8 weeks. This outcome will be the final decision unless the complainant chooses to appeal.

Appeals

If the complainant is unsatisfied with the decision at Stage 2 they have the right to appeal. An appeal may be made if the complainant is not satisfied with the outcome or any action taken relating to their complaint, or should the complainant feel that they have not been treated fairly.

The appeal must be received within 10 working days of receiving the written response to the formal complaint and the appeal must outline the reason/s for the request. The Head of Continuous Improvement and Delivery Director will consider the request for an appeal and acknowledge the request for appeal within 5 working days. The complainant will receive formal notification in writing within 10 working days of receiving the appeal of the decision.

The Head of Continuous Improvement and Delivery Director will designate an impartial representative to carry an investigation of the process previously followed in investigating the complaint. All complaint documentation will be reviewed and in order to reach a decision a Review Panel will be held to which complainants will be invited to establish and gather further information.

In the case of a Review Panel, complainants are permitted to bring one other person with (such as friend, parent, and relative). If complainants wish to bring another person to the Review Panel, they should inform Head of Continuous Improvement at least 3 working days in advance of the Panel Meeting.

The Review Panel Meeting will consist of the Head of Continuous Improvement or designated representative, an independent member of the ACT Senior Leadership Team and the Delivery Director. In considering the composition of the Review Panel, regard will be given to considerations of ensuring an impartial and independent approach. Where appeals are received regarding the ACT School provision, the Review Panel will consist of an individual who is independent of the running and Management of the School.

No person who is the subject of the complaint, was materially involved in the matters complained about, participated in the original investigation or has another actual or perceived conflict of interest will consider the appeal or sit on the Review Panel. Where a postholder normally identified within this procedure cannot act for this reason, a suitably senior and independent alternative will be appointed. This may include a member of the CAVC Group, the Board or an independent external representative.

The Head of Continuous Improvement and/or Delivery Director may in her/his discretion meet with other individuals as part of her/his consideration of your appeal if s/he deems this appropriate. This may include individuals named in the complaint or request for an appeal and other personnel involved in your complaint. The Head of Continuous Improvement and Delivery Director may in her/his sole discretion invite other individuals to attend the Review

Meeting, as s/he considers appropriate. ACT will notify complainants of any such individuals at least two days in advance of the review meeting.

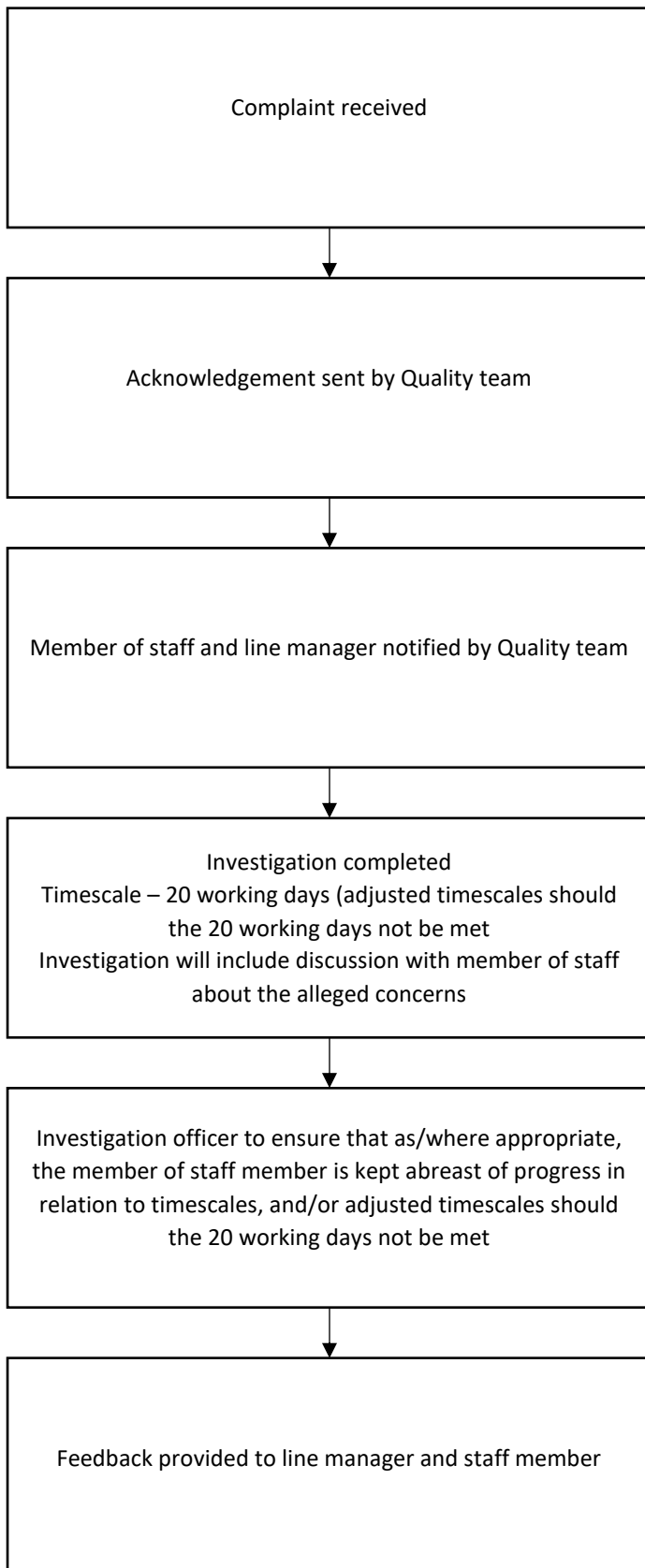
The results of the Appeal process will be forwarded as a written report, and ACT will write to complainants with a summary of the outcome of the Appeal process and any actions that are to be taken by ACT. In drawing up a response ACT will be mindful of acting consistently with confidentiality and Data Protection legislation. Act will aim to ensure complainants receive the written response in 10 working days after the review was completed. If in the case of any delays to this, complainants will receive further progress and a likely timescale for a response to be received.

Monitoring and Review

All complaints will be monitored by the quality team and senior management where appropriate.

ACT will keep records of all related and relevant conversations and discussions for the purpose of future reference and review by the full governing body. Outcomes of complaints will be held centrally and will be reviewed on at least a quarterly basis by the Quality team.

Annex 2 – Process for complaints relating to members of ACT staff



Note re: complaints involving senior members of staff

Where a complaint concerns a member of the Senior Leadership Team, Chief Executive or Chair of the Board, the arrangements set out in Annex 1 regarding independence and conflicts of interest will apply. The individual concerned will not determine how the complaint is allocated or influence the investigation or outcome.

Annex 3 – Complaints made by ACT to external organisations

ACT may raise a complaint with an external organisation where its actions, decisions, services or conduct have adversely affected, or may adversely affect, ACT, its learners/pupils, employers, staff, Partner providers or other stakeholders.

External organisations may include, but are not limited to:

- Awarding Organisations
- regulators and oversight bodies
- commissioners and funding bodies
- suppliers and contractors
- subcontractors
- professional bodies
- other agencies or organisations with which ACT works

This procedure applies to complaints made formally on behalf of ACT. It does not prevent staff from raising routine service queries or seeking to resolve minor operational matters through their usual contacts.

Identifying the appropriate process

Before a formal complaint is made, consideration must be given to the nature of the matter and the most appropriate process for addressing it.

Depending on the circumstances, the matter may be more appropriately managed as:

- an informal service query or request for resolution
- an appeal against an assessment, quality assurance or awarding decision
- a contractual dispute
- an allegation of malpractice or maladministration
- a data protection or information security concern
- a safeguarding notification
- a whistleblowing concern
- a notification to a regulator, commissioner or funding body

Where the appropriate process is unclear, advice should be sought from the Head of Continuous Improvement before further action is taken.

Where a matter presents an immediate risk to the safety, wellbeing or interests of a learner/pupil or other individual, the relevant safeguarding, health and safety or risk-management procedures must be followed without delay. Consideration of a formal complaint must not delay any action required to protect an individual.

Notification and initial consideration

Any member of staff who identifies a matter that may warrant a formal complaint to an external organisation must notify their line manager and the Head of Continuous Improvement at the earliest opportunity.

The relevant Director or Head of Department will determine whether the matter should be pursued on behalf of ACT, taking account of:

- the nature and seriousness of the matter
- the individuals or stakeholders affected

- the evidence available
- attempts already made to resolve the matter
- the external organisation's published procedures
- any applicable timescales
- potential contractual, financial, legal, regulatory or reputational implications
- any immediate support or protective action required

No formal complaint should be submitted on behalf of ACT until the Head of Continuous Improvement has been notified and the appropriate internal approval has been obtained.

Informal resolution

Where appropriate, reasonable attempts should normally be made to resolve the matter informally before a formal complaint is submitted.

This may include:

- contacting the relevant representative or service area
- requesting clarification or further information
- setting out the impact of the matter and the resolution sought
- agreeing actions and timescales for resolution
- escalating the matter through the organisation's usual account-management or operational arrangements

Informal resolution may not be appropriate where the matter is sufficiently serious, presents a significant risk, requires formal investigation or notification, or where previous attempts to resolve the matter have been unsuccessful.

A record should be retained of significant informal discussions, correspondence, agreed actions and outcomes.

Approval and coordination of a formal complaint

A formal complaint made on behalf of ACT must be approved by the relevant Director or Head of Department.

Before submission, the Head of Continuous Improvement must be provided with a copy of the proposed complaint and relevant supporting information. The Head of Continuous Improvement will:

- advise on the appropriate procedure or escalation route
- ensure that the complaint is clear, proportionate and supported by relevant evidence
- coordinate the complaint where it relates to quality, qualifications, assessment or the learner/pupil experience
- ensure that the complaint is recorded centrally
- identify whether the matter has wider implications for ACT or the ACT Network

Complaints presenting significant contractual, financial, legal, regulatory or reputational risk must be escalated to the Senior Leadership Team before submission. Advice must also be sought from other relevant specialists, such as Human Resources, Finance, Data Protection, Safeguarding or Health and Safety, where appropriate.

A nominated member of staff will act as the Complaint Lead and principal point of contact with the external organisation. Operational ownership will normally remain with the relevant Director or Head of Department, with central oversight provided by the Head of Continuous Improvement.

Preparing and submitting the complaint

ACT will follow the external organisation's published complaints procedure, including any requirements relating to format, evidence and timescales.

The formal complaint should clearly set out:

- ACT's name and relevant contact details
- the background and circumstances leading to the complaint
- the specific matters of concern
- relevant dates and individuals or services involved
- the impact on ACT and any affected stakeholder(s)
- action already taken to resolve the matter
- the evidence supporting the complaint
- the outcome or resolution being sought

The complaint should be factual, fair and proportionate. It should distinguish between established facts, information reported by others and matters that have not yet been verified.

Where the complaint relates to an individual learner/pupil, member of staff or other identifiable person, ACT will ensure that there is an appropriate and lawful basis for sharing their personal information. Consent will be obtained where required, and only information necessary for the external organisation to consider the matter will be shared. A copy of the final complaint and supporting documentation must be provided to the Head of Continuous Improvement for inclusion within the central record.

Communication and monitoring

The Complaint Lead will monitor the external organisation's response and ensure that any requests for further information are addressed within the required timescales.

The Complaint Lead must keep the Head of Continuous Improvement informed of substantive developments and provide copies of:

- significant correspondence
- additional evidence submitted or received
- meeting notes or agreed actions
- progress updates
- the external organisation's formal response
- the final outcome

Where the external organisation does not acknowledge or respond to the complaint within its published timescales, the Complaint Lead will follow up and, where appropriate, escalate the matter through the organisation's published procedure.

Where learners/pupils, employers, staff, Partner providers or other stakeholders are directly affected, the Complaint Lead will ensure that they receive appropriate updates, subject to confidentiality and data-protection requirements.

Outcome and further escalation

The relevant Director or Head of Department, in consultation with the Head of Continuous Improvement, will review the external organisation's response and determine whether:

- the complaint has been resolved satisfactorily
- further clarification or action is required
- agreed actions need to be monitored
- ACT should use the external organisation's review or appeal process
- further escalation to a regulator, commissioner, ombudsman or other oversight body is appropriate

Where ACT remains dissatisfied, any further escalation must follow the relevant organisation's published arrangements and receive the appropriate internal approval.

The reasons for accepting the outcome or pursuing further escalation must be recorded.

Recording, learning and review

The Head of Continuous Improvement will maintain a central record of formal complaints made by ACT to external organisations.

The record will include, where applicable:

- the organisation complained about
- the nature and date of the complaint
- the ACT service area responsible
- the Complaint Lead
- the stakeholders affected
- key correspondence and supporting evidence
- the response and outcome
- any escalation undertaken
- actions arising from the complaint
- the person responsible for each action
- the date on which the complaint and associated actions were closed

The relevant Director or Head of Department is responsible for ensuring that agreed actions are implemented within the required timescales. The Head of Continuous Improvement will provide appropriate oversight and monitor completion.

Complaints and their outcomes will be reviewed to identify:

- recurring themes or concerns;
- risks affecting ACT or its stakeholders;
- issues affecting more than one provision, department or Partner provider;
- learning that should be shared across ACT or the ACT Network; and
- opportunities to improve internal practice, external relationships or contractual arrangements.

Information relating to complaints will be retained securely and only made available to those who require access for the purposes of oversight, investigation, decision-making or organisational learning. Records will be retained in accordance with ACT's data-retention arrangements.