



TITLE	REF	VERSION
Comments, Suggestions and Complaints Procedure	GAPRO001	1.0

DEPARTMENT	Group Administration		
DATE	20 July 2020	REVIEW DATE	20 July 2021

CUSTOMER COMMENTS, SUGGESTIONS AND COMPLAINTS PROCEDURE

Procedure Statement

Five procedures are for customers and staff to support the implementation of the Comments, Suggestions and Complaints Policy.

- Comments and Suggestions Procedure
- Complaints Procedure
- Complaints Appeals Procedure
- Complaints against the Corporation Board Members and Clerk Procedure
- Data Protection Complaints Procedure

These enable any member of Activate Learning to capture comments, suggestions and complaints in a consistent format to ensure that complaints are resolved quickly and satisfactorily and to enable the group to monitor customer satisfaction and make continuous improvements.

A comment, suggestion or complaint can be made by speaking to a member of the Activate Learning Team or via our website at www.activatelearning.ac.uk/feedback.

Comments and Suggestions Procedure

Step 1 – Comment or suggestion is received

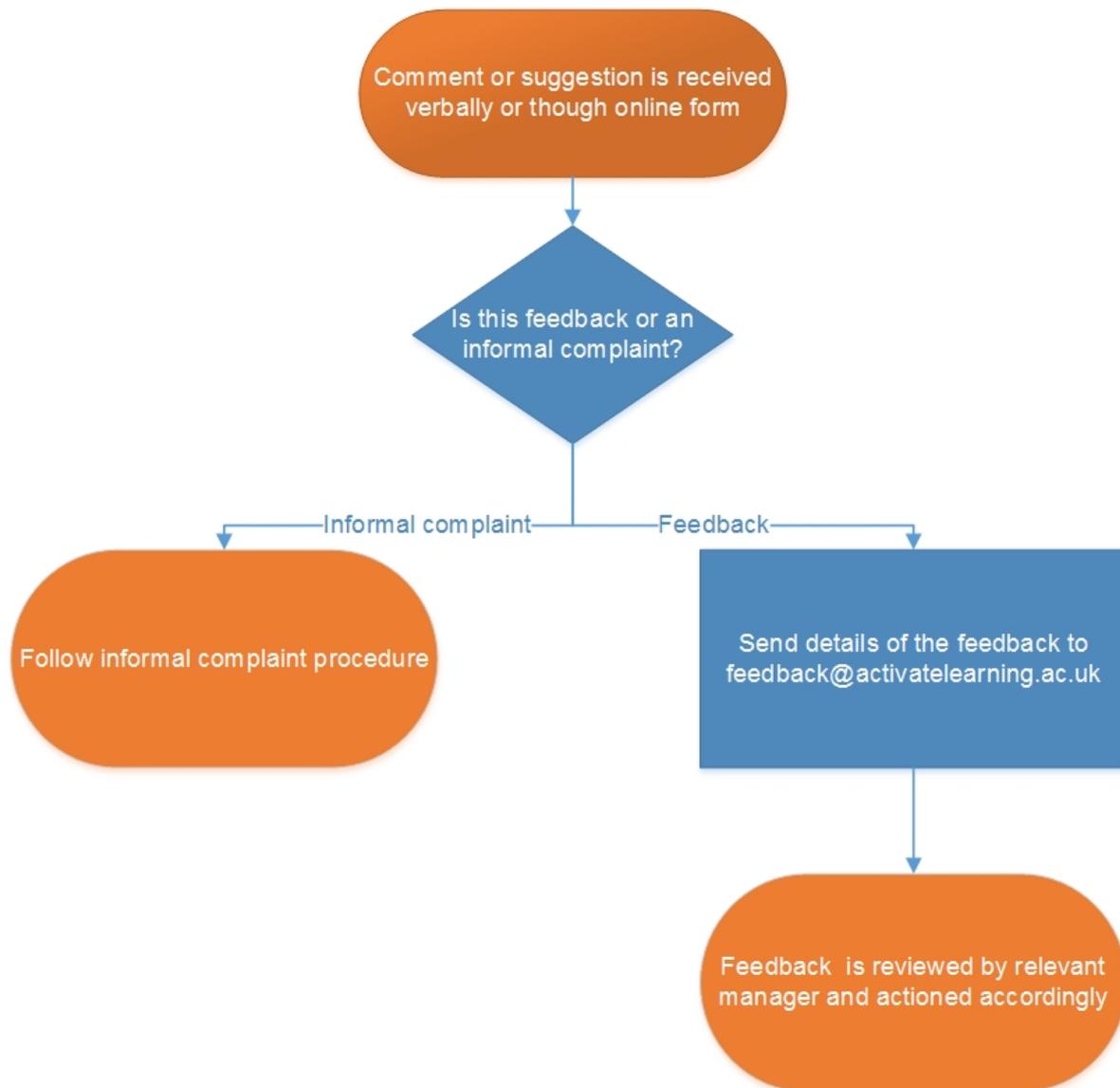
When a student or customer expresses a suggestion or general comment through verbal communication or our online form, this is regarded as feedback.

Step 2 – Log the feedback

The staff member should pass the details of the feedback, along with details of any action or changes that will be undertaken as a result of the feedback, to the Group Administration service via email at feedback@activatelearning.ac.uk for logging on the Complaint Tracker.

Step 3 – Feedback is reviewed

The feedback is passed to the relevant manager to review and action as necessary, and if requested, contact the person who made the comment.



Complaints Procedure

Informal Customer Complaints

Step 1 – Informal complaint received

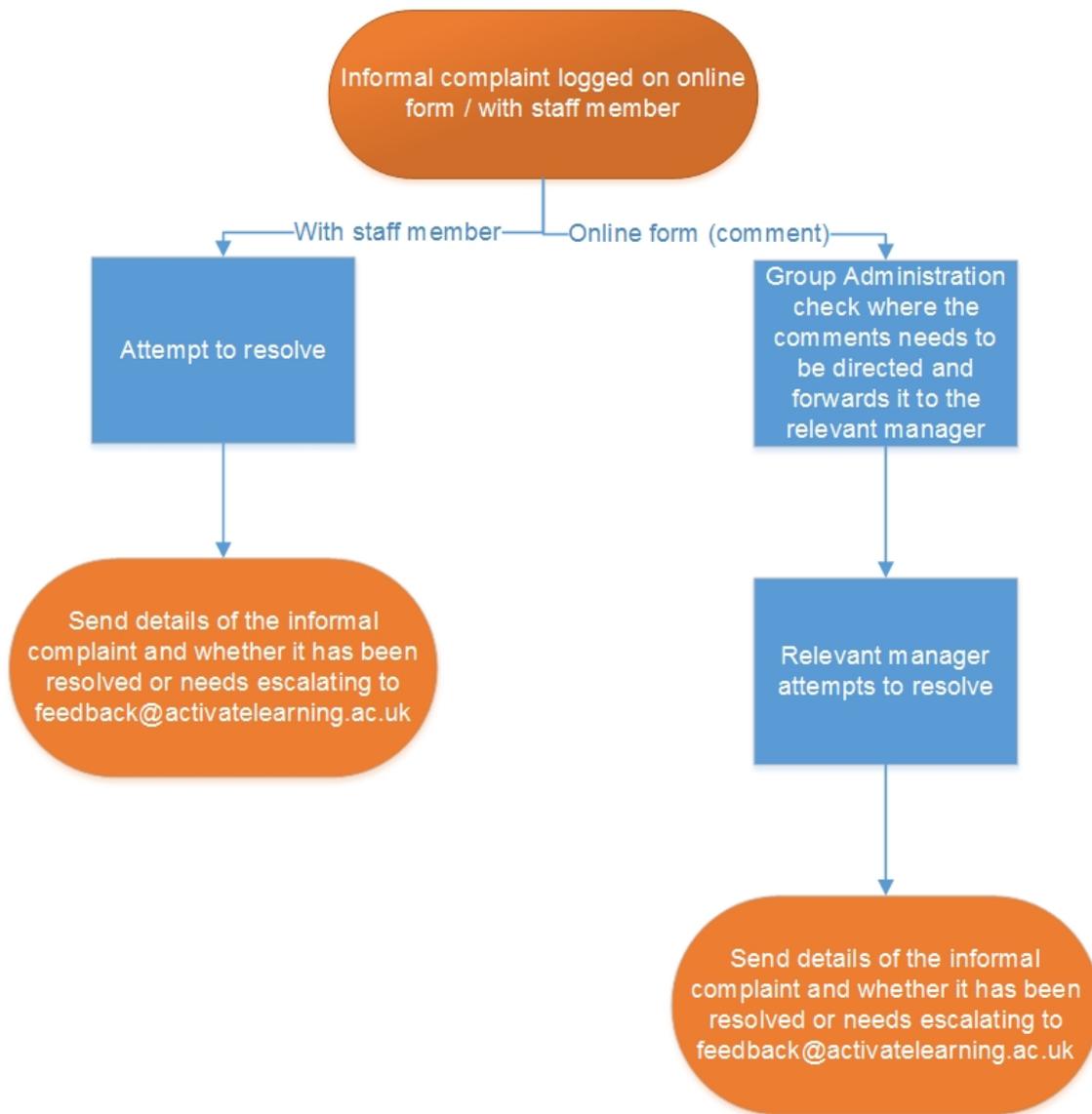
When a student or customer expresses dissatisfaction with a service through verbal communication or we receive a comment on our online form, this is regarded as an informal complaint. An informal complaint is usually resolved quickly through prompt communication with the customer and without the need for an investigation.

Step 2 – Attempt to resolve

The staff member involved / staff member the informal complaint has been passed to should attempt to resolve the issue, discussing the matter with the person directly involved and taking immediate action to rectify any problem. If they are unable to resolve the informal complaint the staff member should escalate the matter.

Step 3 – Log the informal complaint

The staff member should pass the details of the informal complaint, along with details of the resolution or escalation to the Group Administration service via email at feedback@activatelearning.ac.uk for logging on the Complaint Tracker.



Formal Customer Complaints

Step 1 – Formal complaint received / escalation from informal complaint

- If informal discussions do not resolve the problem and an investigation is needed, or if the complaint is raised via our [online form](#) found at www.ActivateLearning.ac.uk/feedback or in writing clearly stating that the complainant wants the situation to be treated as a complaint, the complaint is deemed to be formal.
- If the formal complaint is received by a member of staff, s/he will pass all the complaint details to the Group Administration service via feedback@activatelearning.ac.uk to ensure that it is logged.
- The Group Administration Team will pass the details to the relevant Director for them to or nominate a manager to investigate.
- The complaint is logged on a Complaint Tracker by the Group Administration Team and acknowledged within **five working days** of receipt.
- In accordance with Data Protection guidelines, Activate Learning will obtain express consent when investigating an issue raised by a third party on behalf of another person affected by an issue. A Learner Information Sharing Consent form is used to obtain this consent. Should we not receive this

consent within five working days we will consider the matter closed. Where a parent or carer raises a complaint on behalf of a student under 18 on 31 August that academic year, consent is assumed.

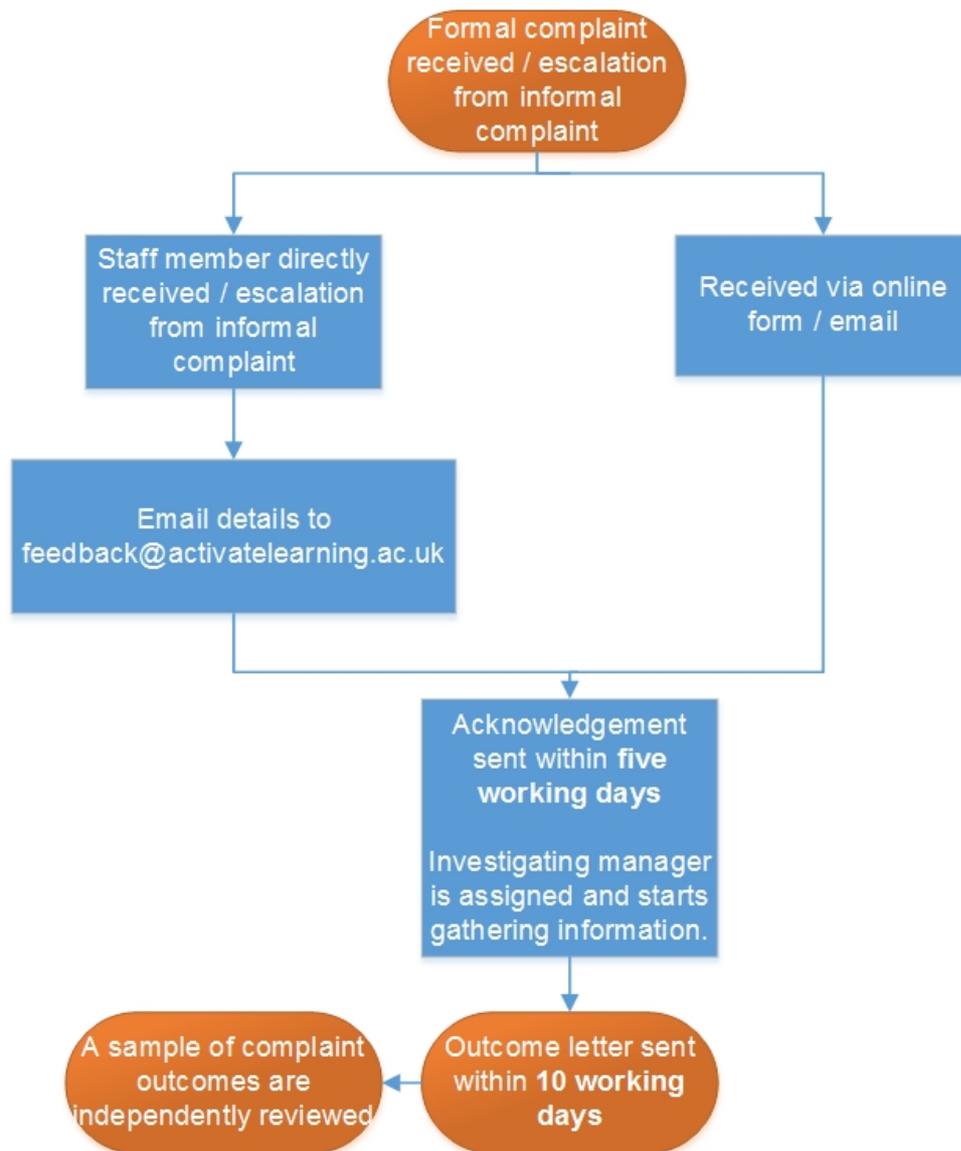
- If the complaint is about a staff member it may be dealt with under our HR procedures if this is deemed more appropriate. If this is the case, the complainant will be informed that this is being dealt with in line with our internal staff disciplinary policy and that there will be no further information provided to the complainant after that point

Step 2 – Information gathering

- Where possible, the investigating manager should discuss the content of the complaint raised with the complainant to fully understand the matter before moving forward. The investigating manager will then gather information relating to the complaint in order to get a full picture and understanding of the situation. This may include interviews with students and staff, obtaining statements or liaising with other departments.
- If the investigating manager is unlikely to resolve the complaint within **10 working days** of the acknowledgement, the complainant will be informed of progress together with expected timescales for resolution.

Step 3 – Formalise outcome

Following the conclusion of the investigation, the investigating manager sends a formal outcome letter which will include the outcome of the investigation.



An internal verification step to ensure that complaint handling and outcomes are fair and consistent is carried through monthly sampling by the Group Administration Managers who are not connected to the area and remain impartial. The results of these independent reviews will be reported on.

Complaints Appeals Procedure

Stage 1 appeal

Step 1 – Appeal is received

- If the complainant is not satisfied with the response from the manager investigating the complaint, the complainant can appeal. Appeals must be made within **10 days** of the response to the complaint. An appeal will only be considered on the following grounds:
 - The investigation did not address all the complaint points raised
 - New evidence has been made available that was not available at the time the complaint was submitted
 - The investigation was not conducted in accordance with the procedures set out in the procedure for dealing with a complaint
- The appeal is escalated to the relevant member of the Group Executive Team who assigns a Director not associated with the case to carry out an independent review.

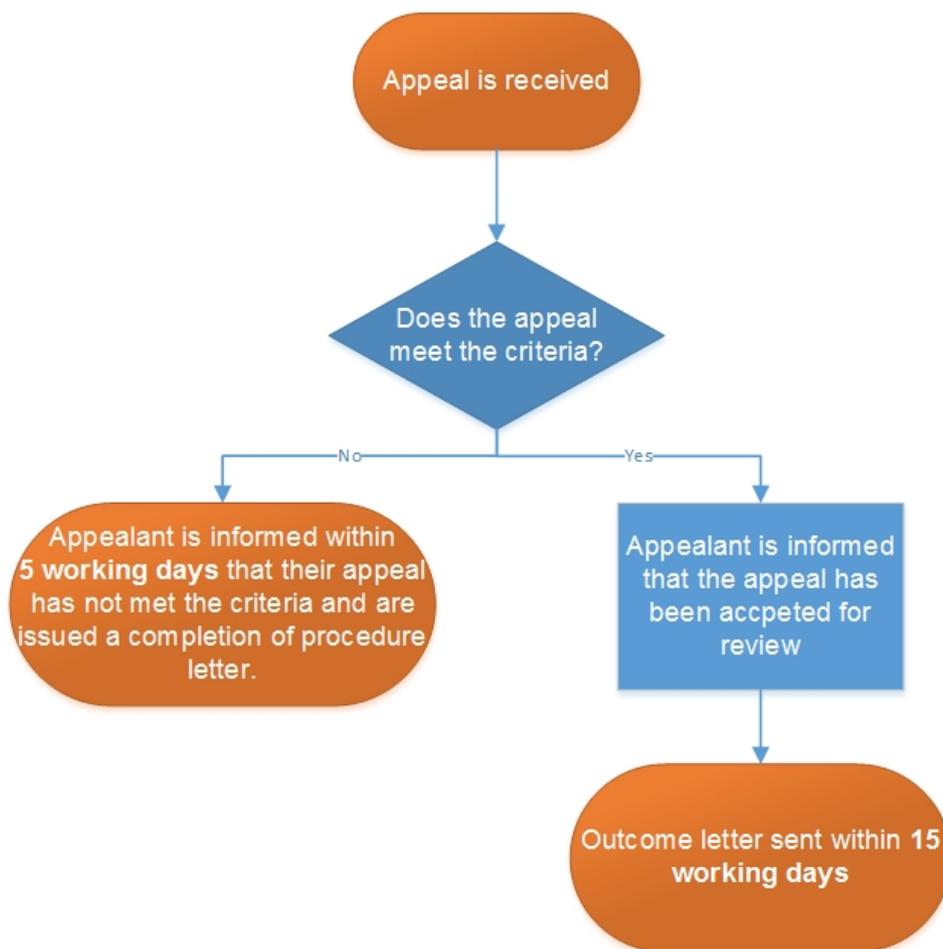
- The appeal will be acknowledged within **five working days**. This will detail if the appeal has been accepted for review or rejected as it has not met one or more of the above criteria.

Step 2 – Conduct review

- Where possible, the reviewing manager should discuss the details of the appeal raised with the appellant to fully understand why they have appealed before moving forward.
- The Appeal investigator will conduct a review of the original investigation and will consider the procedure undertaken, the integrity, any additional evidence and the outcome provided.

Step 3 – Formalise outcome

- Following the conclusion of the appeals process, the appellant will be issued with a Completions of Procedure letter within **15 working days** of the appeal acknowledgement. If the review is complex and likely to exceed this timescale, the complainant will be kept informed of progress. The possible outcomes are that the appeal will either be upheld, partially upheld or rejected.



Stage 2 appeal

- If the complainant is not satisfied that the appeal has followed our procedure as set out above, the complainant can raise a stage 2 appeal. A stage 2 appeal must be made within **10 days** of the response to the complaint. An appeal will only be considered on the following grounds:
 - The Stage 1 Appeal was not conducted in line with the procedure.
- The appeal is escalated to either the Group Chief Executive or the Deputy Group Chief Executive.
- The appeal will be acknowledged within **five working days**. This will detail if the appeal has been accepted for review or rejected as it has not met one or more of the above criteria.
- If the appeal is rejected for review the complainant will be issued with a completion of procedure

letter.

Step 2 – Conduct review

- The Group Chief Executive or the Deputy Group Chief Executive will conduct a review of the first appeal procedure that was undertaken.

Step 3 – Formalise outcome

- Following the conclusion of the appeal process, the appellant will be issued with a Completions of Procedure letter within **15 working days** of the appeal acknowledgement. If the review is complex and likely to exceed this timescale, the complainant will be kept informed of progress. The possible outcomes are that the appeal will either be upheld, partially upheld or rejected.

Complaints against the Corporation Board Members and Clerk Procedure

Step 1 – Complaint is received

When a student or customer expresses dissatisfaction with a member of the Corporation Board or the Clerk through via email at clerk@activatelearning.ac.uk, this is regarded as a complaint.

The complaint will be acknowledged within **seven working days** and will be referred to one or more of the following

- the Activate Learning Audit and Risk Committee;
- one or more Board Members;
- a person (nominated by an external sector body) who has substantial experience of college governance;

provided in each case that they have not been involved in matters relevant to the complaint.

Step 2 – Information gathering

The investigating person will consider the complaint and if necessary, in order to determine disputed issues of fact, interview the complainant and the subject(s) of the complaint. They may refer issues to the relevant auditors (external and/or internal) or other independent advisers as appropriate.

Step 3 – Formalise outcome

The investigating person will produce a written report of their findings in relation to the complaint and provide the complainant and the Corporation (or subsidiary Board, where relevant) with a copy of such report as soon as possible. In any event, they shall produce an interim report **within 28 days** of the complaint being referred to them.

The Board shall, at its next scheduled Board meeting following receipt of the investigation report, consider the findings and determine whether to uphold the complaint in whole or part. In the event that a complaint is upheld, the Board shall agree a suitable and proportionate response or remedy. Where the complaint relates to one or more specified Board Members or the Clerk, they shall withdraw and take no part in the discussion of the investigation.

The Clerk to the Corporation shall write to the complainant and the subject(s) of the complaint **within seven working days** of the Board's decision, outlining the Board's decision, the reasons for that decision, and any response or remedy agreed. The letter will include details of any arrangements for appeal to any relevant external body (e.g. the Secretary of State for Business, Innovation and Skills/ Secretary of State for Education and the Skills Funding Agency/Education Funding Agency).



Data Protection Complaints Procedure

Step 1 – Complaint is received

Data subjects are encouraged to direct any data protection related complaints to the Data Protection Officer at dpo@activatelearning.ac.uk. However, a complaint may be made to any member of staff, in which case the staff member should immediately forward the complaint to the DPO, providing any and all information which may be relevant to the request.

Data subjects of Activate Learning may register a formal complaint concerning the way that Activate Learning processes, or has processed, their personal data in the following circumstances:

- Activate Learning has not kept their personal data secure.
- Activate Learning has processed their personal data in a way that is contrary to Data Protection Legislation.
- Activate Learning holds inaccurate personal data which has not been fully rectified.
- Activate Learning has disclosed their personal data in a manner which not legal, fair or transparent.
- Activate Learning has kept their personal data for longer than is necessary.
- Activate Learning has collected their personal data for one reason and is using it for another
- Activate Learning has failed to fully comply with a rights request.

The complaint will be acknowledged within **seven working days**.

Step 2 – Information gathering

The DPO will initiate an investigation into the matter, with the support of relevant staff and departments; where a complaint relates specifically to the actions of the DPO or there is a conflict of interest, an independent member of staff, usually a Director, shall be appointed to conduct the investigation.

The investigation will aim to ascertain: how the incident occurred, whether a breach of Activate Learning's

data protection obligations has occurred, whether any risk or damage to the subject has arisen as a result and, where relevant, what mitigations have been enacted in order to prevent further damage or distress to the data subject.

Step 3 – Formalise outcome

Once the investigation has been concluded, the investigator will make a written report of the findings to the complainant **within 28 days**. This will outline the investigation process and conclusions and, where relevant, any resulting action that has or will be taken. Where appropriate, the complainant may be offered the opportunity to discuss the matter with the investigator; any appeal shall be referred to the Information Commissioner's Office.



External Appeal

In the rare cases where the internal complaints procedure has not resolved the matter, and depending on its nature, the following external organisations may review unresolved issues:

Contact

Ofsted Complaints
University partners

Area

Nurseries Only
University awarding bodies provide an opportunity for students to avail themselves of the university complaints procedure.

Contact Details

enquiries@ofsted.gov.uk

Office of the independent adjudicator (OIA – Higher Education)

The OIA for Higher Education provides an independent scheme for the review of student complaints or appeals. Students wishing to avail

www.oia.org.uk

themselves of the opportunity for an independent review by the OIA must submit their application within 3 months of the issue of the Completion of Procedures letter.

Education Funding Agency

Students up to the age of 18 years

www.gov.uk

Education Skills Funding Agency (ESFA)

The ESFA can investigate complaints about quality or management of learning provision, 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 or tribunal or other organisations), health and safety concerns and complaints made by learners following HE courses in FE colleges.

www.gov.uk

complaints.ESFA@education.gov.uk

National Apprenticeship Agency

Students on traineeships and apprenticeships

www.apprenticeships.org.uk

National Union of Students

Students recognised union representation

www.nus.org.uk

Information Commissioners Office (ICO)

The ICO can investigate the results of your internal appeal regarding Freedom of Information requests.

<https://ico.org.uk>

Information Commissioner's Office
Wycliffe House Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (National rate number)

References

- Activate Learning Student behaviour and disciplinary policy
- Education Act 1996
- Article 8 of the European Convention on Human Rights
- Search procedure
- Health and Wellbeing policy
- Bullying and harassment procedure
- Substance misuse procedure
- Admissions Policy
- Criminal convictions procedure
- Use of force and restraint procedure
- Incident and Investigation procedure
- Safeguarding and Child Protection Policy
- 14 to 16/EHE behaviour and disciplinary procedure
- Accommodation Policy
- Activate Learning Standards of Behaviour
- Activate Learning Student code of conduct
- Residential accommodation student code of conduct

