

TITLE		REF	VERSION
Compliments, Comments and Complaints Procedure		CP001	10.0
DEPARTMENT	Group Administration		
DATE	October 2023	REVIEW DATE	October 2024

CUSTOMER COMPLIMENTS, COMMENTS AND COMPLAINTS PROCEDURES

Procedure Statement

The following four procedures are for customers and staff to support the implementation of the Compliments, Comments and Complaints Policy.

- Compliment, comment, or complaint 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 compliments, comments, and complaints in a consistent format to ensure that good practice is acknowledged and celebrated and that complaints are resolved quickly and satisfactorily to enable the group to monitor customer satisfaction and make continuous improvements.

A compliment, comment or complaint can be made via our website at <https://www.activatelearning.ac.uk/contact-us/customer-feedback/>

Compliment, comment, or complaint procedure

Compliment, comment, or complaint is received.

If the nature of the feedback is a compliment, this will be passed across to the relevant director to or nominate a manager to review, contact the person making the compliment, if applicable, and praise the relevant team member / department. These will be logged centrally and celebrated where appropriate.

If the nature of the feedback is a written suggestion or comment, this will be passed across to the relevant director to or nominate a manager to review, contact the person making the comment, if applicable, and action where appropriate. These will be logged centrally, and any action points tracked.

If the nature of the feedback is a complaint or a concern, this will be passed across to the relevant director to or nominate a manager to attempt to resolve the issue. The manager will discuss the content of the complaint raised with the complainant within 5 working days, and provide a proposed resolution and an expected timeframe for the resolution.

If the manager is unable to get in contact with the complainant, we will review the details and send a closing message, however this may not include any specific details.

If they are unable to offer a quick resolution due to the nature of the complaint, the staff member should escalate the matter.

The outcome of the complaint /concern will be confirmed in writing that either

1. The concern has been dealt with and provide an explanation with details of any actions.
2. The issue requires further investigation.

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.

Further investigation is required

- If a quick resolution is not possible due to the nature of the complaint, it will be subject to further investigation.
- If the complaint includes more than one student, this will be dealt with as a group complaint. The elected spokesperson of the group will be given a reference number to pass across to the other complainants. They will then be required to give their consent, within three working days, via an online form quoting the reference number to be considered to be a part of the complaint. All communication, including the outcome, will be done via the spokesperson who has the responsibility to communicate forward to the rest of the group.
- 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.

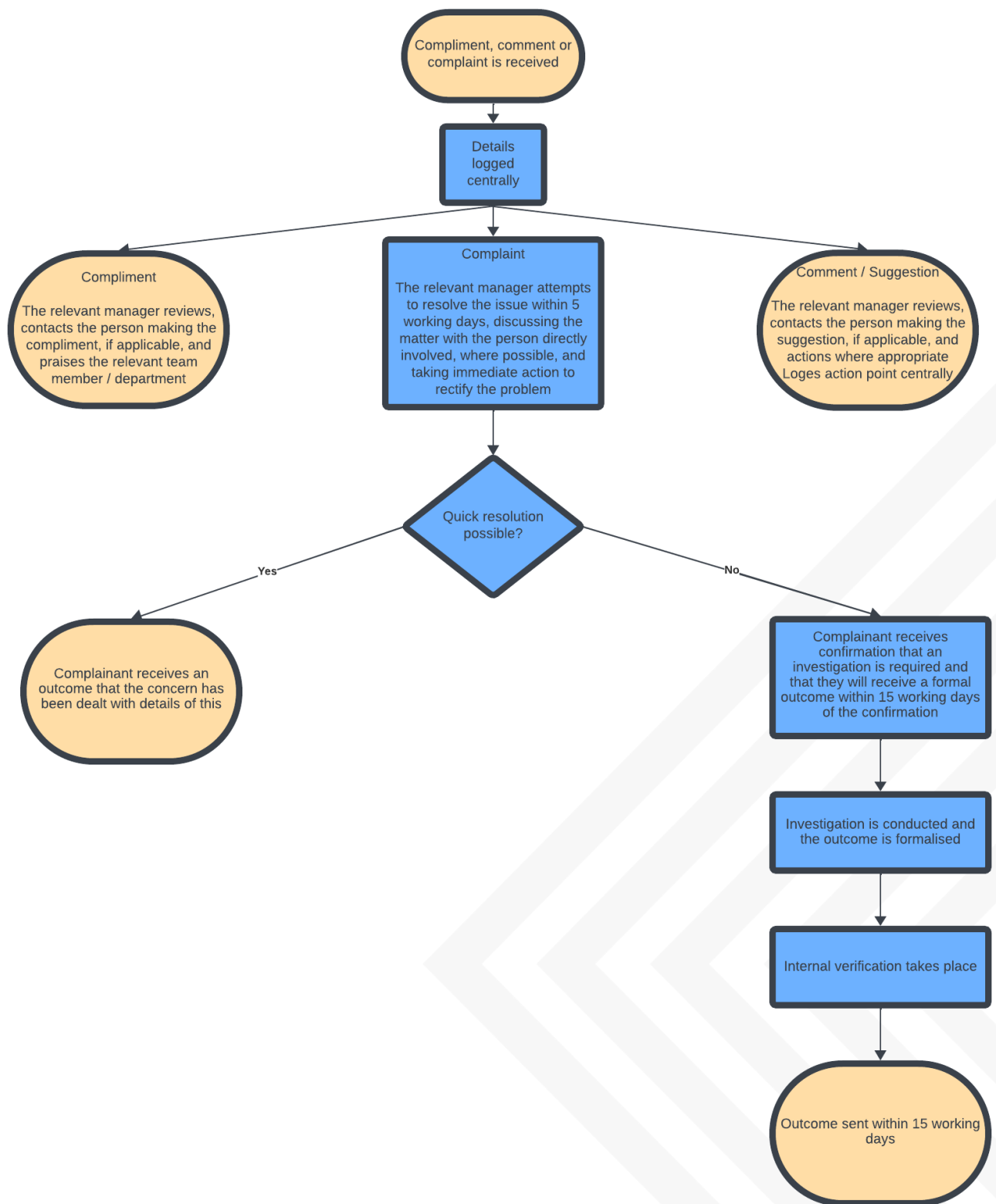
Information gathering

- The investigating manager will attempt to discuss the content of the complaint raised with the complainant, if not already done so, to fully understand the matter before moving forward. The investigating manager will then gather information relating to the complaint 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 **15 working days** of the acknowledgement, the complainant will be informed of progress together with expected timescales for resolution.

Formalise outcome

Following the conclusion of the investigation, an outcome to the complainant, unless the complaint was about staff conduct as outlined in the policy, will be sent within **15 working days** of the investigation notification, 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 out through a quality assurance check by our Regional Heads of student Experience before the outcome is sent to the complainant.



Complaints Appeals Procedure

Stage 1 Appeal

Appeal is received

- If the complainant is not satisfied with the response from the manager, the complainant can appeal. Appeals must be made within **10 days** of the response to the complaint via our online appeal form that can be requested via feedback@activatelearning.ac.uk. 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.
 - We have not implemented the resolution detailed in the outcome.
- 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 appellant will be responded to 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.

If you wish to appeal on the grounds that the investigation did not address all the complaint points raised, this will initially be sent to the original investigating officer who will either

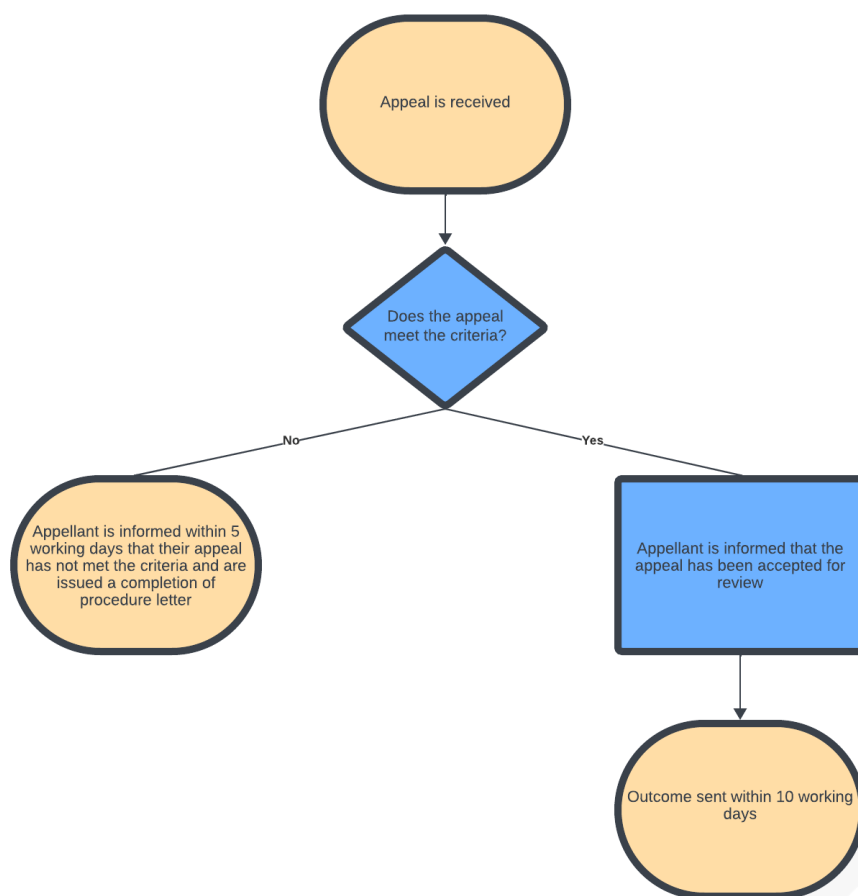
- Respond to the points that have not been addressed or
- If they believe they have addressed all points appropriately, escalate to the stage 1 appeal process

Conduct review

- The reviewing manager will 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. They will not fully reinvestigate the issue.

Formalise outcome

- Following the conclusion of the appeals process, the appellant will be issued with an outcome letter within **10 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 – Further Education, Apprenticeships, Higher Education students registered with Pearson, including those studying a Higher National award as part of a Higher Apprenticeship.

- 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 via our online appeal form that can be requested via feedback@activatelearning.ac.uk. 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.

Conduct review

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

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.

Stage 2 appeal – Higher Education students registered with a partner University.

If the complainant is not satisfied with the outcome of the appeal at stage 1, and/or that the appeal has followed the procedure as set out above, the complainant can progress their complaint through

the relevant partner University procedures, details of which are provided in the relevant programme handbook and appropriate University website. Following the outcome of the appeal, the University will issue a Completion of Procedure letter. If the complainant remains unsatisfied with the outcome of their appeal, they can progress their complaint to the Office of the Independent Adjudicator who will also require a copy of the Completion of Procedure letter.

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

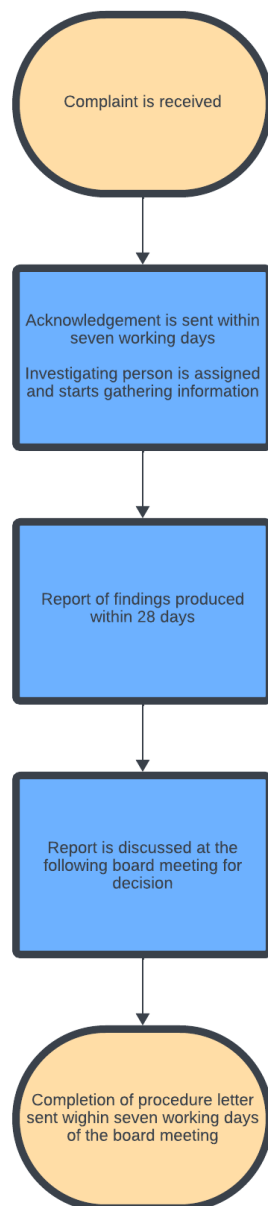
The investigating person will consider the complaint and if necessary, in order to determine disputed issues of fact, interview the complainant and the subject(s) of the complaint. They may refer issues to the relevant auditors (external and/or internal) or other independent advisers as appropriate.

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.

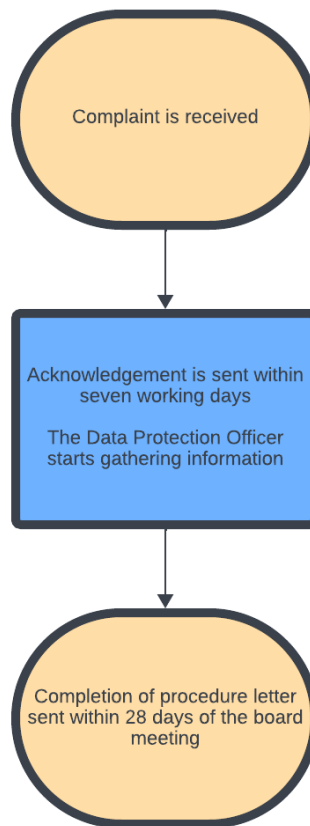
The investigation will aim to ascertain: how the incident occurred, whether a breach of Activate Learning's

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

- Student Behaviour and Disciplinary Policy and procedures
- Education Act 1996
- Article 8 of the European Convention on Human Rights
- Search procedure
- Health and Wellbeing policy
- Bullying and harassment procedure
- Admissions Policy
- Criminal convictions procedure
- Use of force and restraint procedure
- Incident and Investigation procedure
- Safeguarding and Child Protection Policy
- Accommodation Policy
- Residential accommodation student code of conduct

