



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL

**SKILLS FOR
WORK
LEARNER
COMPLAINTS
PROCEDURE**

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LEARNER COMPLAINTS

INTRODUCTION

This guidance relates to the methods used by Skills for Work to address learner complaints. Other complaints, from members of the public, employers etc are dealt with separately under the Bradford Council complaints policy and procedure¹.

The guidance is used to ensure that learner complaints are dealt with consistently throughout Skills for Work and conform to specified contractual and quality improvement requirements. This applies to all centres within Skills for Work. This guidance does not prejudice the right of a learner to complain to the relevant programme funding and/or qualification awarding body or prime contractor, where a route for such complaints exists. All learners should be made aware that they can escalate a complaint to the prime contractor if they feel it has not been adequately dealt with by Skills for Work.

Contract Coordinators and Skills for Work Manager have overall responsibility to ensure the learner complaints procedure is implemented and that all aspects relating to this procedure are fully documented and regularly reviewed. Officers investigating complaints are from now on referred to as "Nominated Officers".

Definition of a Complaint

The Council's definition of a complaint is as follows: '**A complaint is an expression of dissatisfaction, however made, about the standard of service, the actions or lack of action, by the council, or its staff which affects an individual service user or a group of users.**'

Note i: for the purposes of this guide the definition of a complaint is extended to include expressions of dissatisfaction by one learner about another.

Note ii: a complaint about a racial incident involving a service, a learner or member of staff should also be recorded under the Council's Racial Incidents Monitoring and Reporting Guidelines. A racial incident is defined as "any incident which is perceived to be racist by the victim or any other person".

This guidance applies to programmes delivered by centres within Skills for Work as described above.

¹ <https://www.bradford.gov.uk/media/4658/bradford-council-complaints-policy-and-procedure.pdf>

1 Staff and Management Responsibilities.

- 1.1 A member of staff receiving a complaint should make every endeavour to remedy the complaint as appropriate.
- 1.2 Nominated Officers are responsible for investigating and, where possible, resolving complaints from learners, and for implementing any necessary corrective actions, at the centre(s) for which they are responsible (except as provided for in sections 1.2 and 1.3 below).
- 1.3 A member of the Senior Management Team is responsible for investigating and, where possible, resolving complaints from learners that remain unresolved following action by a Nominated Officer, in respect of centres within Skills for Work.
- 1.4 Where a Contract Coordinator or Skills for Work Manager is the subject of a complaint, a senior manager will nominate an appropriate person, normally another Contract Coordinator, to investigate and, if possible, resolve the complaint.

2 General

- 2.1 Learner complaints are an important part of the feedback process whereby services are aligned with learner needs. All members of staff who deal with learner complaints should therefore view them as potential opportunities for service improvement. Learner complaints should not, however, be used as a substitute for a planned process of service evaluation and improvement resulting from solicited and unsolicited learner feedback.
- 2.2 A complaint must be viewed as legitimate and important to the person making the complaint regardless of whether or not the specific details of the complaint can be justified by the centre. Learners have a right to complain about any aspect of Skills for Work's provision which they feel fails to fulfil their reasonable needs. This right must be respected and care must be taken to ensure that a complainant is not disadvantaged in any way by exercising their right to complain.

3 Handling Complaints

- 3.1 This guidance operates in two stages,

3.2 First Stage

At the first stage front line staff should make every endeavour to remedy the complaint. Complaints should be responded to in the most appropriate way. Any officer dealing with a complaint should:

- treat the complainant with respect and courtesy;
- be responsive and sensitive to their complaints;
- listen to the complainant and hear what they are saying;
- avoid setting out merely to justify the position of Skills for Work,
- keep the complainant informed on the progress of a complaint;
- wherever possible, provide clear explanations of what went wrong;
- make an apology and provide redress where necessary.

Underlying service problems must be addressed, but a written response will not always be necessary or appropriate. All complaints must be detailed on a Complaints Return Form to ensure it is recorded correctly in accordance with section 5 – Recording of complaints. All complaints should be acknowledged within two working days and responded to within ten working days. If there is significant doubt about the factual circumstances surrounding the complaint, requiring an investigation, the complaint should be immediately referred to the second stage.

3.3 Second Stage

- 3.3.1 If the learner remains dissatisfied, then the complaint will pass to stage two and be dealt with by a Nominated Officer, this stage may also include a review of how the complaint has been handled at earlier stages.
- 3.3.2 To allow the complaint to be clearly understood, at this stage, by both learner and nominated officer, complaints must be set down in written form. Learners may, at their own choice:
- write a letter of complaint to the Contract Co-ordinator or complete a Complaints Form.
 - receipt by email is accepted at this stage

If a learner experiences difficulty in writing a letter of complaint or completing a Complaints Form, s/he should be assisted by a member of staff or other person of the learner's choice.

3.4 Investigations

Where it is necessary to establish matters of fact in connection with the complaint, the manager must conduct a formal investigation. Interviews with individuals, which form part of the investigation, must be recorded in writing and the record signed by the person(s) concerned, after an opportunity to make any necessary corrections. See also section 5 below.

3.5 Feedback

When the Nominated Officer is in a position to make a judgement about what action may be required to resolve the complaint, s/he must feed back to the complainant, normally at a meeting called for the purpose. The complainant should be informed:

- whether or not the Nominated Officer has substantiated the complaint; either
 - (a) the action taken, or proposed to be taken, to address the issues raised by the complaint, if it has been substantiated; or alternatively
 - (b) that no action is proposed to be taken as a result of the complaint;
- the timescale within which action will be taken, if applicable;
- the complainant's right of appeal if s/he feels that the complaint has not been resolved to her/his satisfaction.

3.6 If the complainant feels that the action taken, or proposed to be taken, satisfies her/him that the complaint has been adequately dealt with, the complaint is considered to have been resolved. If the complainant remains dissatisfied and wishes to take the complaint further, s/he may appeal as set out in section 6 below.

4 Investigation of Complaints

- 4.1 Nominated Officers who handle a complaint where an investigation is necessary to establish the facts must be aware that the investigation may disclose the need to consider formal action, such as disciplinary action. It is important to conduct the investigation in a way which does not prejudice such subsequent actions, should these be found to be necessary.
- 4.2 For the above reason, and to ensure consistency and fairness of treatment, investigations, which are required in connection with learner complaints, must be conducted in accordance with the Council's Managing Investigations Procedure.

5 Recording of Complaints

5.1 Nominated Officers who deal with learner complaints must keep the following records of each complaint they handle:

5.1.1 For complaints resolved at the first stage

- name and address of complainant
- centre where complaint was received and programme (if applicable)
- date of complaint
- method by which complaint was received
- details of complaint
- category of complaint
- equal rights monitoring information
- whether complaints acknowledged within 2 working days
- whether complaint was responded to within 10 working days
- action taken or how complaint was handled
- whether complaint was upheld, partly upheld or not upheld
- whether the complaint was resolved or still on-going
- name of Nominated Officer

5.2 When complaints pass to the second stage

Must retain the following documents:

- a full statement of complaint i.e. the written complaint referred to in 3.3
- all statements taken during the course of the investigation
- any correspondence entered into in connection with the complaint
- any other document referred to during the investigation
- the findings of the investigation

5.3 Records of complaints must be retained securely at the relevant Centre for a period of 2 years after the complaint has been resolved.

6 Appeals

6.1 A complainant whose complaint remains unresolved after the second stage may refer the matter for re-consideration by way of an appeal.

6.2 Appeals must be made in writing, within 10 working days of receipt by the complainant of the feedback referred to in sections 3.5 above. The letter of appeal should be addressed to the relevant senior manager as set out in section 1.2 above, who shall also hear the appeal.

6.3 Appeals shall proceed as set out below:

- a) the complainant may introduce new material, relevant to the complaint or the way it has been handled, at this stage;
- b) the manager hearing the appeal must also consider whether the complaint was properly investigated and otherwise dealt with correctly;
- c) the manager hearing the appeal may speak to any other person who appears to have information relevant to the complaint, whether such a person was interviewed as part of the original investigation or not.
- d) Appeals should be dealt with within 10 days of the receipt of the appeal request.

6.4 Appeals under this section represent the final level of internal recourse available to a learner.

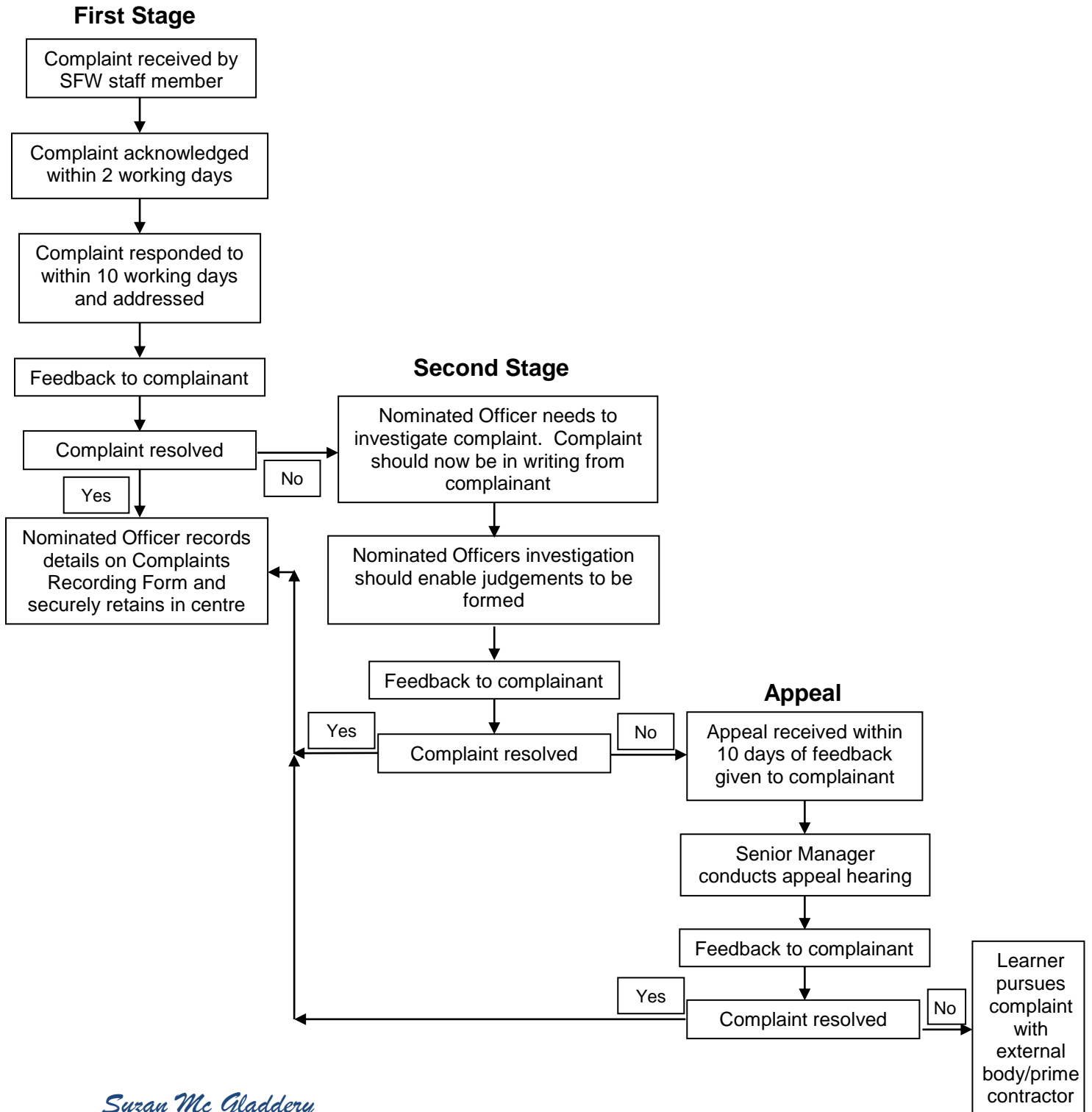
6.5 Records of appeals must be maintained in accordance with the requirements for second stage complaints (see section 5 above)

6.6 If any learner is still dissatisfied with the service provided by Skills for Work, they can take up their complaint with the prime contractor / external body.

Flowchart – See page 9



LEARNER COMPLAINTS PROCEDURE FLOWCHART



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