

Learner Complaints Procedures

1. Introduction

1.1 The Learning Institute is committed to providing high-quality services to its learners and it welcomes comments and suggestions from learners about the services it provides. Occasionally however, learners may wish to make a complaint about the services they receive from the Learning Institute. The Learning Institute is the outreach arm of Westcountry Schools Trust. Any complaint which is not resolved by the Learning Institute may be referred to Westcountry Schools Trust and/or to any relevant partner of the Learning Institute such as a University. These procedures are designed to be compatible with those of the Learning Institute's partners and to meet the requirement of national accreditation bodies of which the Learning Institute is a part. Complainants should refer also to the complaints procedures of any relevant partner of the Learning Institute.

1.2 These procedures are for the use of learners registered with the Learning Institute or who have left the Learning Institute within the last three months. They define the grounds for learners to bring their dissatisfaction or concern to the attention of the Learning Institute and how the complaint will be investigated and heard.

1.3 A learner must submit a complaint within three months of the incident, event or matters over which a complaint is being raised. The Learning Institute will not consider complaints made outside a three months period. Learners should be aware that if there has been a significant elapse of time, it might prejudice the proper investigation and make resolving a complaint more difficult. For example, relevant staff may leave and recollections of events may be impaired over time. In dealing with a complaint the Learning Institute will endeavour to meet the time limits as set out in the procedures.

1.4 These procedures are intended to encourage learners to seek the resolution of complaints informally in the first instance.

1.5 Complaints involving a placement provider will be considered under the Learning Institute's complaints procedure, however, where it would be more appropriate, the complaint may be heard under the placement provider's complaints procedure.

1.6 Complaints from learners registered with the Learning Institute and with a partner University or other partner organisation will be heard initially under the Learning Institute's complaints procedure but a learner will have recourse to Stage Two of the partner University's learner complaints procedure if the issue has not been resolved at Stage One. Learners who are undertaking apprenticeships or initial teacher training have recourse to the ESFA and Department for Education respectively following a Stage Two investigation by Westcountry Schools Trust. All complainants unsatisfied with the outcome at Stage Two may refer their complaint to the Office of the Independent Adjudicator [OIA].

1.7 The Learning Institute seeks to resolve all complaints through our internal processes: if a learner starts legal proceedings against the Learning Institute, any complaint will be paused until those proceedings are complete.

1.8 Collective complaints will be managed on a case-by-case basis depending on the nature of the complaint. Each individual learner of the collective complaint must provide their individual details in a signed letter of complaint, together with independent confirmation of their support for the complaint, and willingness to engage in the complaint process. A collective complaint will be managed in the same way as an individual complaint.

2. Principles

2.1 No learner making a complaint under these procedures, whether successfully or otherwise, will be treated less favourably than would have been the case had a complaint not been made.

2.2 All parties are expected to make reasonable efforts to resolve matters on an informal basis before moving to the formal stages of the process. It is in the interests of the learner and the Learning Institute and its partners that complaints are resolved as quickly as possible.

2.3 The Learning Institute will deal with all complaints confidentially, and expects all parties involved (including the learner) to respect this approach. Learners should recognise that it may be necessary to disclose details of a complaint to other persons or organisations for the purposes of investigating the complaint and seeking an effective resolution. Unless there are exceptional considerations, any person who is the subject of a complaint has the right to be supplied with a copy of the complaint, and to comment on it.

2.4 In the interests of the learner, the process should be simple and comprehensible. In this respect, the relationship of this procedure to others has been clarified.

2.5 Where a learner has declared a disability to the Learning Institute, the Learning Institute will endeavour to ensure that information is available to them at all stages of the procedure in appropriate formats, and that any reasonable adjustments are made to the associated proceedings to accommodate the learner's needs.

2.6 The learner has the right to be accompanied by a representative, who is not acting in a legal capacity, at any meeting arranged to discuss the complaint. The representative may be a member of the Learning Institute or a partner organisation such as a University, i.e.: a) a registered learner; b) a member of staff; c) a member of staff or an officer of a relevant Students' Union. The representative may also be a friend, family member or a workplace companion. Some University partners set different criteria for representatives at Stage Two and the complainant should seek information from the relevant partner's complaints procedures.

2.7 The learner making the complaint will be allowed reasonable time to seek advice for any meeting which forms part of the process.

2.8 Where these Procedures state that certain actions will be taken within a specified timescale, and this is not possible (e.g. because of the timing or because key information takes longer to obtain) learners will be kept fully informed of the progress of their claim.

3. Grounds for making a complaint

3.1 The following list indicates examples of the type of complaint covered by the procedure:

- a) Dissatisfaction with the quality of supervision and tuition;
- b) Misleading information in prospectuses or in advertising or promotional material;
- c) Deficiencies in standards of service provided by the Learning Institute (including support facilities such as accommodation or administrative services);
- d) Inadequate facilities;
- e) The behaviour of a member of Learning Institute staff towards a learner. Such complaints may be referred to the Staff Disciplinary Procedure at the discretion of the Westcountry Schools Trust;
- f) Discrimination by the Learning Institute on the grounds of age, disability, gender, race, faith or sexual orientation.

3.2 The Learning Institute will not investigate complaints which are made anonymously.

3.3 The following list indicates examples of the type of complaint that are not covered by the procedure:

- a) A request for a review of a decision of a Board of Examiners regarding learner progression, assessment and/or award. This is defined as an academic appeal and is dealt with under the separate learner academic appeals procedure of the relevant University partner. University partners will not normally investigate a complaint which is already being considered as part of a learner academic appeal;
- b) A request for a review of a decision of a Mitigating Circumstances Committee. These are dealt with under the separate mitigating circumstances procedures of the relevant University partner;
- d) A complaint against another learner. These are dealt with under the separate Learner Code of Conduct Procedures or the Harassment and Bullying procedures;
- e) Complaints made by a third party on behalf of a learner;
- f) Complaints about a University partner's admissions process. These are dealt with under the Admissions Complaints Procedure of the relevant University partner;

- g) Complaints which relate to a learner's suitability to practise on programmes which include compulsory integral periods of professional placement will be dealt with under the Fitness to Practice Procedure;
- h) A complaint which has not been raised within three months of the incident, event or matters over which a complaint is being raised.

4. Informal resolution

4.1 Learners are expected to raise issues at an early stage. Complaints will normally be resolved locally by the senior member of Learning Institute staff concerned with, or responsible for the matter giving rise to the complaint.

4.2 The learner who has a complaint should first speak to the person who is immediately responsible for the situation or their course leader and try to resolve the cause of concern. These people are best placed to respond to the complaint and to resolve it quickly and effectively. The learner must make this initial approach as soon as possible after the event or series of events, which prompted the complaint.

4.3 Where a member of staff receives a complaint they should investigate promptly and with due regard for the learner's privacy and confidentiality. They should respond as soon as possible after the complaint is raised.

4.4 Complaints will not normally be considered at a higher level until it is established that the informal stage has been exhausted or cannot be practicably pursued.

5. Stage One – Review by senior member of Learning Institute staff

5.1 In cases where a complaint is not resolved informally the learner must put their concerns in writing to the Director of the Learning Institute who will raise the matter with a relevant senior member of Learning Institute staff who will act as investigating officer. Where the complaint is about or directly involves the proposed investigating officer, the complaint will be considered by the Director of the Learning Institute who will act as investigating officer. Any complaint made against the Director of the Learning Institute is referred directly to Stage Two (see section 6 below).

5.2 For a complaint to be considered valid the letter must specify:

- a) the full name of the learner;
- b) the correct learner ID number
- c) reason(s) for complaint
- d) action(s) taken so far to resolve the issue
- e) desired resolution(s) of issue(s)

g) be signed and dated by the learner, unless it is impossible for the learner to sign;

h) be accompanied with the appropriate documentary evidence.

5.3 The learner should keep a copy of their letter of complaint and any other documentation submitted for their own records.

5.4 The Director of the Learning Institute will acknowledge receipt of the complaint and will forward the complaint to the investigating officer within three working days.

5.5 The investigating officer, after reviewing the case, may identify simple and remedial action which may be taken to remedy the complaint to the satisfaction of the learner. In such cases, the investigating officer will propose such action in writing to the learner and submit a report to the Director of the Learning Institute.

5.6 In cases where simple and remedial action cannot be taken, the complaint will be investigated by the investigating officer. The investigating officer may complete the investigation based upon the written submission submitted by the learner and meeting the other parties to the complaint. She/he may want to meet with the learner to discuss their complaint in more detail. This meeting should be arranged within ten working days of receiving the complaint. At this meeting the learner may be accompanied by a representative, who may participate in the proceedings. Other parties to the complaint may also be invited to attend the meeting at the discretion of the investigating officer.

5.7 The meeting will normally follow this format:

a) The learner will be asked to explain their complaint and present any supporting evidence, with the assistance of their representative as necessary, following which they may be asked questions by the investigating officer, and by any other parties to the complaint present;

b) If present, other parties to the complaint will then respond to the complaint, following which they may also be asked questions by the investigating officer and the learner. If not present, the investigating officer will make any necessary enquiries.

5.8 The investigating officer will prepare a full written response to their complaint, which will detail the nature of the complaint, the findings of any investigation carried out, the points covered in the meeting and any proposed resolution. The learner should receive this written response within twenty working days after the investigating officer has received the complaint. If this is not possible, the learner will be informed in writing of the progress being made towards the consideration of their complaint and given a timescale for completion. A copy of this response should be sent to the Director of the Learning Institute.

5.9 If the complaint is considered justified, the learner will be informed of the action taken to resolve or redress the complaint. If the complaint is not upheld, then the learner should receive an explanation of the reason for this decision.

6. Stage Two

6.1 A learner who is not satisfied with the outcome of their complaint following the review by the Learning Institute investigating officer may request a final internal review of their complaint by writing to the Director of the Learning Institute. The request should be made within 10 working days of receiving the outcome of the Stage One investigation and clearly outline the reasons for taking matters to Stage Two. Requests for review received later than this will not be considered.

6.2 The Director of the Learning Institute will acknowledge receipt of the request to review a complaint within three working days. For learners also registered with a partner organisation such as a University, this request will be referred to the relevant University's complaints officer with a full copy of the complaint file. Complainants wishing to refer a claim to Stage Two with a partner organisation of the Learning Institute should proceed with reference to the relevant procedures of that partner.

6.3 For learners registered solely with the Learning Institute. The Director of the Learning Institute will refer the learner's request for Stage Two to the Chief Officer of Westcountry Schools Trust who will acknowledge receipt of the request to review a complaint within three working days.

6.4 Within ten working days of receiving the complaint, the request to review the complaint will be reviewed along with the original complaint and the associated evidence considered by the investigating officer at Stage One along with the final response prepared by the Director of the Learning Institute. Further evidence may be requested at this stage. The outcome of the review will find either:

a) That there are no grounds for taking the matter further. If this is the case, the learner will be advised accordingly in writing.

or

b) That there appears to be merit to case which should be easily remedied. If this is the case, the matter will be referred to the Director of the Learning Institute. The Director of the Learning Institute will review the complaint and provide a response to the learner within ten working days.

or

c) That there are grounds for consideration and further investigation, where appropriate. If this is the case, a Complaints Committee will be convened by the Chief Officer of Westcountry School Trust to hear the complaint. The Complaints Committee should be convened within 20 working days. If this is not possible, the learner will be informed in writing of the progress being made towards the consideration of their complaint and given a timescale for completion.

6.5 Membership of the Complaints Committee will normally consist of two members of senior staff of Westcountry Schools Trust unconnected to the Learning Institute and one trustee. Members will be appointed in a way which ensures that none of the members will have prior knowledge of or involvement with the complaint.

6.6 The learner may be accompanied by a representative, who may participate in the proceedings. Other parties to the complaint may also be invited to attend the meeting

6.7 The guidelines for the Complaints Committee meeting will normally follow the format set out in the Appendix 1.

6.8 The outcome of the Committee, including details of any remedies proposed, will be sent in writing by the Chief Officer of Westcountry Schools Trust to all parties within 10 working days of the Committee. If the complaint is considered justified, the learner will be informed of the action taken to resolve or redress the complaint. If the complaint is not upheld, then the learner will receive an explanation of the reason for this decision.

6.9 The Stage Two Complaints Committee forms the final stage of the Learner Complaints Procedure, therefore, the learner will be issued with a Completion of Procedures letter.

7. Beyond Stage Two - national bodies which a complainant can approach

7.1 A learner who is not satisfied with the outcome of the learner complaints procedure managed by the Learning Institute, Westcountry Schools Trust or any relevant partner organisation may request that the Office of the Independent Investigating officer (OIA) reviews the case. This may be done by completing the OIA scheme application form.

7.2 Where a case is considered eligible, the OIA will provide independent adjudication on the resolution of complaints, once the University's internal procedures have been exhausted.

7.3 Learners on initial teacher training programmes may also request that the Department for Education reviews the case if they are not satisfied with the outcome at Stage Two.

7.4 Apprentices may also request that the Education and Skills Funding Agency reviews the case if they are not satisfied with the outcome at Stage Two.

8. Costs and Remedies

8.1 The Learning Institute and University partners according to their own procedures will meet the reasonable costs incurred by a learner in bringing a successful complaint. This may include any travelling expenses a learner incurs in travelling to any committee meeting where this takes place outside semester time. It will not include costs of any legal advice the learner may choose to take.

8.2 Remedies for complaints include, but are not limited to, an apology, recommendation for internal mediation, recommend that the case is referred for consideration by a Board of Examiners, alterations to a process or to a service provided by the Learning Institute and/or University partner and, exceptionally, compensation for loss or damage suffered. The Learning Institute seeks to ensure that any remedies proposed are reasonable and appropriate to the nature and circumstances of the complaint.

9. Monitoring

9.1 The investigating officer within the Learning will make an annual report to the Director of the Learning Institute. Complaints will be monitored according to the gender, ethnicity, age and any disability of learners.

10. Advice and Support

10.1 For any queries in respect of the learner complaints procedure, please contact the Director of the Learning Institute.

10.2 The Learning Institute recognises that making a complaint can be stressful and burdensome for all parties involved. Learners are therefore advised to seek advice and guidance before making a complaint from the relevant Students' Union or a pastoral tutor.

11. Review

The Learning Institute Governing Board is responsible for the periodic review of this Policy.

Appendix 1 Procedure for Complaints being referred to a Complaints Committee

Meetings of the Complaints Committee will normally follow the following format. However, the Chair of the Committee has a general discretion over the running of the meeting according to individual circumstances. In particular, the Chair may use his or her discretion to adjourn proceedings or curtail evidence or statements in order to ensure that the meeting is conducted in an orderly and reasonably expeditious manner. All evidence will be heard in the presence of Committee members, the learner and his or her representative and the Secretary. Should any party need to leave the meeting, the meeting will be adjourned until they return. The introduction of additional material will not be permitted unless it was not known to the learner, or was unavailable, at the time of the original submission. Additional material will be admitted at the discretion of the Chair of the Committee who will, if necessary, defer the meeting to allow the new material to be considered.

The format of the meeting will normally be as follows:

- a) Private meeting of the Committee to agree on matters of process and procedure;
- b) The Learner and his or her representative invited to join the meeting;
- c) The Chair will summarise the procedure to be adopted and ask if there are any procedural questions;
- d) The facts relevant to the case will be introduced by the Chair;
- e) The learner will be invited to make an initial statement summarising the complaint;
- f) The Committee may then question the learner;
- g) The Committee may invite staff pertinent to the complaint such as the Stage One investigating officer to join the meeting and answer specific questions associated with complaint;
- h) The learner and his or her representative will be given an opportunity to comment/raise questions of the members of staff;
- i) The learner and his or her representative may then make a final statement;
- j) All parties other than the Committee members and Secretary will be asked to withdraw;
- k) The Committee will deliberate in private and come to a decision, either straightaway or at an adjourned meeting. The Secretary will take a record of the proceedings. The formal minute of the Committee will record those present and in what capacity present, the decision of the Committee and an explanation of the reason for this decision.