

Complaints and concerns policy and procedure

Ref PD/CC



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Change Log				
Date:	Change Description:	Proposed:	Actioned:	Approved:
13 Jan 2017	Added Changes and Opportunities Register to list of tools		KS	<i>KSmith</i>
21 Mar 2017	"Complaint" replaced by "Concern" to broaden the scope	AD	KS	<i>KSmith</i>
09 Oct 2017	Added complaint procedure within Learner Handbook to tools, and updated Appendix 1 to reflect this	KS	CH	<i>KSmith</i>
18 Dec 2017	Additions and edits to list of tools including reference to NCR	K. Smith 18/12/17	K. Smith 18/12/17	<i>KSmith</i>
28 Nov 2018	Additional tools and clarification of 'customer'	K. Smith 28/11/18	C.Hughes 28/11/18	<i>KSmith</i>
08 July 19	Change of title. Additions to meet requirements for RoATP re-application	S. Baldry 03/07/19	C.Hughes 08/07/19	<i>KSmith</i>
17 April 2020	Updated to include reference to complaints/concerns relating to Malpractice/Maladministration. Augmented the Appendix 1 Procedure to include additional details and timescales	H.Lees 16/04/2020	H.Lees 16/04/2020	<i>KSmith</i>
24 November 2020	Minor changes to the Complaints & Concerns Policy following 2020 Internal Audit review	H.Lees 24/11/2020	H.Lees 24/11/2020	<i>KSmith</i>
02 March 2021	Updated to ensure that the Complaints & Concerns Policy is aligned with the Dispute Resolution Procedure detailed within Schedule 5 of the Apprenticeship Levy – Employer Contract for Levy Payers document	P Tucker Jan 2020	H Lees 02/032021	<i>KSmith</i>

Purpose

The purpose of this policy is to set out the intentions and key tools that Capella will use to ensure that it responds appropriately to complaints or concerns made by a customer.

For clarity:

Complaints

The term "complaint" refers to expressions of dissatisfaction, whether justified or not, about any aspect of Capella's delivery or non-delivery of their training service excluding

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- complaints or concerns regarding Malpractice or Maladministration relating to assessments, assignments or examinations for Vocational Qualifications, the procedure for which is detailed within Capella's Assessment Policy
- complaints or concerns regarding End Point Assessment, which should be directed to the relevant End Point Assessment organisation

Complaints must be submitted in writing, and should set out the nature and particulars of the disputed matter. Relevant supporting documents should be provided wherever possible.

Concerns

The term "concern" refers to expressions of worry or doubt over an issue considered to be important, for which reassurances are sought.

Customers

The term "customer" includes both internal and external customers, which may include apprentices, their employers, other learners or providers.

Owners

All Capella Associates will be aware of and work within this policy. The Managing Director will take lead responsibility for deployment of this policy.

Intent

We aim to:

1. Act promptly and efficiently, and in accordance with Capella's Dispute Resolution Procedure detailed within Appendix 1 of this Policy, whenever a written notice of a complaint is raised. If a party verbally notifies a Capella Associate of a complaint, the Associate should request that they submit their complaint in writing in accordance with Capella's Dispute Resolution Procedure (see Appendix 1).
2. Act promptly and efficiently whenever a concern is raised, regardless of whether the concern is received verbally, by phone, by email or in writing
3. Ensure that learning is extracted and shared and, where appropriate, is used to improve Capella processes.
4. Endeavour to avoid repeat complaints or concerns of the same nature through our process of continuous improvement.

Tools

Key tools we will use to ensure customer complaints and concerns are addressed appropriately include:

1. Building strong and open relationships with all customers such that they feel comfortable to raise complaints and concerns.
2. Undertaking an annual review of this policy.
3. Communicating this policy to Capella Associates on an annual basis, in order to promote the importance of responding to complaints and concerns in line with the Procedures detailed in Appendix 1 and Appendix 2 of this Policy
4. Alerting the Managing Director to any instances of complaints or concerns as soon as they are recognised
5. Following the Procedures contained in Appendix 1 or Appendix 2 (as applicable) of this Policy, if situations arise.
6. Acting swiftly, carefully and sensitively if any allegations are made against a member of the Capella team.
7. Where appropriate, updating the Capella Non-Conformance Register, and/or the Capella Safeguarding & Prevent Concerns & Incidents Log and/or the Capella Changes & Opportunities Register (as applicable) with details of the complaint or concern, and regularly monitoring these documents to identify trends.
8. Including a regular review of the Capella Non-Conformance Register and the Capella Safeguarding & Prevent Concerns & Issues Log as a Standard Agenda Item for Capella Team Meetings
9. Including clear guidance regarding how a complaint can be made in the Capella Apprenticeship Support Resources that are available on our website: <https://capellaassociates.com/apprenticeships-support-resources>
10. For apprenticeships, ensuring that the 'Contract for services with employers' contains a Dispute Resolution Procedure and that a copy of the Complaints and Concerns policy and procedure is made available to apprentices and employers when the Commitment Statement is signed.
11. Ensuring that the current live version of the Complaints and Concerns policy and procedure is published on our website.
<http://www.capellaassociates.com/company/customer-concerns-policy>

If any complaints or concerns are raised which require reporting to relevant external bodies (eg Awarding Bodies, ESFA) the Managing Director will be responsible for alerting any such bodies and for reviewing and monitoring the progress of all such complaints and concerns

Information on complaints and appeals appertaining to apprenticeships will be made available to the inspectorate and/or funding bodies upon request.

Review and Updates

This policy will be reviewed every 12 months as a minimum.

Appendix 1

Procedure for Handling Complaints relating to any aspect of Capella's delivery of their training service (The Dispute Resolution Procedure)

Key steps:

1. Any Complaints regarding any aspects of Capella's delivery of their training service must be submitted in writing to the Capella Operations Director (amrik.gill@capellaassociates.com) and/or the Capella Quality and Commercial Manager (claire.hughes@capellaassociates.com). Details of the nature of the complaint and the particulars of the disputed matter should be provided. The complainant should provide supporting evidence wherever possible.
*[Note: If a Complaint is raised relating to End Point Assessment the complainant should be advised to direct their complaint to the relevant End Point Assessment Organisation. Capella should sign-post the complainant to the relevant organisation if requested to do so.
If a Complaint is raised regarding Malpractice or Maladministration relating to an Assessment, assignment or examination for a Vocational Qualification, the complainant should be directed to Capella's Assessment Policy which details the procedure that will be followed in all such instances]*
2. Upon receipt of the written complaint the Capella Operations Director (Amrik Gill) and the Capella Quality & Commercial Manager (Claire Hughes) will work together in an attempt in good faith to resolve the complaint, and will, within 2 Working Days of having received the complaint:
 - inform the Managing Director about the complaint/~~concern~~ and share all details provided by the complainant
 - agree next steps for Capella to investigate/validate the complaint
 - agree an appropriate acknowledgement response (which should include an indicative timescale for investigation/resolution of the complaint)
 - agree who will communicate with the complainant going forwards and via what means
 - update the Capella Non-Conformance Register and/or the Capella Safeguarding & Prevent Concerns & Incidents Log and/or the Capella Changes and Opportunities Register (as applicable) with the details regarding the complaint/~~concern~~ and the action that is being taken
3. Within 5 Working Days of receipt of the complaint the Capella Associate nominated to communicate with the complainant in Step 2 above will send an acknowledgement response to the complainant

which must include an indicative timescale for providing a formal response to the complaint. Capella will endeavour to provide a formal response within as short a timeframe as possible, although Capella note that the length of time may vary in each individual case depending upon the complexity of the complaint.

4. Once the investigation into the complaint has concluded and a formal reply has been provided to the complainant, Capella will review any additional actions arising to ensure all learning from the situation is captured and will update the Non-Conformance Register and/or the Safeguarding & Prevent Concerns & Issues Log and/or the Changes & Opportunities Register (as applicable) as required. Capella may share anonymised findings from the complaint/~~concern~~ investigation with the Capella Advisory Board.
5. If Capella have been unable to resolve the complaint within 30 days of its receipt, they will refer the complaint to the Chief Executive Officer of the company who has raised the complaint and the Capella Managing Director (kate.smith@capellaassociates.com).
6. If the Chief Executive Officer of the company who has raised the complaint and the Capella Managing Director are unable to resolve the complaint within 30 days of it being referred to them, the Parties will attempt to settle the complaint by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure.
7. Unless otherwise agreed between the Parties, the mediator shall be nominated by CEDR.
8. To initiate the mediation:
 - one of the Party's shall serve notice in writing ("an ADR notice") to the other Party to the Dispute, requesting a mediation
 - a copy of the ADR notice will be sent to CEDR, and
 - the mediation will start not later than 30 days after the date of the ADR notice
9. If the complaint is not resolved within 90 days after service of the ADR notice, or either Party fails to participate or continue to participate in the mediation before the expiration of the 90 day period, or if the mediation terminates before the expiration of the 90 day period, the Complaint shall be finally resolved by the courts of England and Wales.
10. The commencement of mediation shall not prevent the Parties commencing or continuing court proceedings in relation to the Complaint at any time.

Appendix 2: Procedure for Handling Concerns

Key steps:

1. Concerns can be expressed verbally, in writing (via the form available from the Capella Apprenticeship Resources area on our website) or via email. If a concern is expressed verbally, the recipient of the concern should listen carefully to the concern and should note down all details, asking questions to ensure all facts are understood, then state to the client (apprentices, their employers, other learners, providers or stakeholders as applicable) that their concern will be investigated in full and that a nominated person from Capella will contact them within 5 Working Days to provide a formal acknowledgement of the concern and to provide them with an indicative timescale for investigating the concern. The Associate receiving the concern should not seek to respond to the concern in any way but should acknowledge that a concern has been raised and thank them for their feedback.
2. If a concern is raised regarding End Point Assessment the client should be advised to direct their concern to the relevant End Point Assessment Organisation. The Associate should sign-post the client to the relevant organisation if requested to do so.
3. If a concern relates to Malpractice or Maladministration relating to an Assessment, assignment or examination for a Vocational Qualification, the client should be directed to Capella's Assessment Policy which details the procedure that will be followed in all such instances.
4. Within 2 Working Days of a concern having been raised with an Associate, the Associate must
 - inform the Managing Director about the concern and share all details provided by the client
 - agree next steps for Capella to investigate/validate the concern
 - agree an appropriate acknowledgement response (which should include an indicative timescale for investigation/resolution of the concern)
 - agree who will communicate with the client going forwards and via what means
 - update the Capella Non-Conformance Register and/or the Capella Safeguarding & Prevent Concerns & Incidents Log and/or the Capella Changes and Opportunities Register (as

applicable) with the details regarding the concern and the action that is being taken

5. Within 5 Working Days of the concern having been raised, the Capella Managing Director, or whomever she has delegated the investigation of the concern to, should send an acknowledgement response to the client which must include an indicative timescale for providing a formal response to the concern. Capella will endeavour to provide a formal response within as short a timeframe as possible, although Capella note that the length of time may vary in each individual case depending upon the complexity of the concern.
6. Once the formal reply has been provided to the client, the Managing Director will review any additional actions arising to ensure all learning from the situation is captured and will update the Non-Conformance Register and/or the Safeguarding & Prevent Concerns & Issues Log and/or the Changes & Opportunities Register (as applicable) as required. The Managing Director may share anonymised findings from the concern investigation with the Capella Advisory Board.