

POLICY DOCUMENT

Complaints and Concerns Policy and Procedure

Ref PD/CC

Document Control		
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Document Title: Complaints and Concerns Policy and Procedure	Date of Next Review: See BP23 Compliance Assurance Schedule	
Version: 2.3	Author: K. Smith	
Signature of Owner	Managing Director	<i>K. Smith</i>

Change Log (For Changes prior to 2020 see Historic Change Log at the end of this policy)				
Date:	Change Description:	Proposed:	Actioned:	Approved:
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>K. Smith</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>K. Smith</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 02/03/2021	<i>K. Smith</i>
17 th August 2021	Updated to refer to Apprentices/ Delegates rather than Learners throughout and minor updates proposed by KS	H Lees	H. Lees 17/08/21	<i>K. Smith</i>
21 st December 2021	Updated following internal review and review by Solvendis prior to submitting RoATP reapplication	K.Smith	H.Lees 19/12/21	<i>K. Smith</i>
21 st January 2022	Updated following further review by Solvendis prior to submitting RoATP reapplication (including removal of reference to Disputes and addition of an appeal process)	K.Smith	H.Lees 21/01/2022	<i>K. Smith</i>
26/01/2022	New appendix 3 added to provide ESFA contact details for raising complaints.	S.Baldry 25/01/2022	K.Smith	<i>K. Smith</i>
27/09/2022	Updated to capture revised contact details for raising complaints with ESFA Updated to include reference to confidentiality and record storage/retention Updated to remove reference to policy being on Freshdesk	H.Lees 22/08/22	H.Lees 22/08/22	<i>K. Smith</i>

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Definitions

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

- 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 complaint. 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/delegates, their employers, or other providers.

Purpose

The purpose of this policy is to:

- set out the process that a customer should follow if they wish to raise a complaint with Capella (see Appendix 1)
- set out the process that a customer should follow if they wish to raise a concern with Capella (see Appendix 2)
- detail the process (including indicative timescales) that will be followed by Capella following receipt of any such complaints or concerns (see Appendix 1 or 2 as applicable)
- set out the process that a customer should follow if they are unsatisfied with the outcome of a complaint that they have raised with Capella and they wish to escalate their complaint to the ESFA (see Appendix 3)

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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

Capella aim to:

1. Act promptly and efficiently, and in accordance with Capella's complaints resolution procedure detailed within Appendix 1 of this policy, whenever a written notice of a complaint is raised. If a customer verbally notifies a Capella Associate of a complaint, the Associate should request that they submit their complaint in writing in accordance with Capella's complaints 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 all records and correspondence relating to Complaints and Concerns is:
 - appropriately classified (eg Highly Confidential if they contain personal and/or sensitive information)
 - stored securely
 - retained in line with Capella's Data Transfer & Storage Policy
4. Ensure that learning is extracted from complaints and concerns and ensure that this learning is shared and, where appropriate, is used to improve Capella processes.
5. Endeavour to avoid repeat complaints and 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 upon their appointment and annually thereafter, 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.

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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 Leadership Team Meetings
9. Ensuring that the current live version of the Complaints and Concerns Policy and Procedure, which includes details regarding how to raise Complaints and Concerns, is published on our website.
<https://capellaassociates.com/company/capella-policies>
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. For apprenticeships, ensuring that apprentices and employers are aware that they may be able to refer a complaint about a post-16 education and training provider, where the course in question has been funded by the Education and Skills Funding Agency (ESFA), to the ESFA once they have exhausted Capella's Complaints and Concerns Policy, and to ensure that they are signposted through to the related ESFA guidance which details what complaints the ESFA can investigate and when and how to contact the ESFA. Details are included in Appendix 3.

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 at least annually.

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Appendix 1

Procedure for handling complaints relating to any aspect of Capella's delivery of their training service (The Complaints 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 Managing Director (kate.smith@capellaassociates.com). Details of the nature of the complaint and the particulars of the 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 signpost 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. Within 2 working days of having received the written complaint the Capella Managing Director will:
 - determine next steps for Capella to investigate/validate the complaint;
 - determine an appropriate acknowledgement response (which should include an indicative timescale for investigation/resolution of the complaint);
 - determine 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 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 written response to the complaint. Capella will endeavour to provide a formal written response within as short a timeframe as possible, although Capella note

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that the length of time may vary in each individual case depending upon the complexity of the complaint.

4. Within 5 working days of concluding the investigation into a complaint, the Capella Associate nominated to communicate with the complainant in Step 2 will issue a formal written reply to the complainant which explains the outcome of the complaint investigation. The formal written response will inform the complainant that, if they are not happy with the outcome, they may appeal the outcome to Capella's Advisory Board.
5. If the complainant wishes to appeal the outcome, they must notify the Clerk to Capella's Advisory Board of this decision in writing (email: advisoryboard@capellaassociates.com) within 5 working days of having received the outcome. The Clerk to Capella's Advisory Board will confirm receipt of the appeal within 5 working days of having received the appeal notification, and alongside the confirmation will provide the complainant with an indicative timescale for providing a formal written response to the appeal.
6. The Clerk to Capella's Advisory Board will then convene a meeting of the Independent Members of Capella's Advisory Board to instigate their investigation of the appeal. Once the Independent Members of Capella's Advisory Board have concluded their investigation, they will issue a formal written reply to the complainant which explains the outcome of the complaint investigation and confirms that Capella's complaints procedure has been exhausted. Where the complaint was made by an apprentice or their employer, Capella will ensure that the formal written response to the apprentice or their employer (as applicable) also informs the complainant that they may be able to refer their complaint to the ESFA and signposts the complainant to the ESFA's guidance on making a complaint about a post-16 education and training provider funded by the ESFA (see Appendix 3 for further details).
7. Once the investigation into the complaint has concluded Capella will review any additional actions arising to ensure all learning from the situation is captured and will update Capella's Non-Conformance Register and/or Capella's Safeguarding & Prevent Concerns & Issues Log and/or Capella's Changes & Opportunities Register (as applicable) as required. Capella may share anonymised findings from the complaint investigation with the Capella Advisory Board at this stage.

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Appendix 2: Procedure for Handling Concerns

Key steps:

1. Concerns can be expressed verbally or in writing (via email) to any member of the Capella team. 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 customer (apprentice/delegate, their employer, provider or other stakeholder 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 signpost 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 Capella Managing Director about the concern and share all details provided by the customer;
 - 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 customer 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.

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5. Within 5 working days of the concern having been raised, the Capella Managing Director (MD), or whomever the MD has delegated the investigation of the concern to, should send an acknowledgement response to the customer which must include an indicative timescale for providing a formal written response to the concern. Capella will endeavour to provide a formal written 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 written response has been provided to the customer, the Managing Director will review any additional actions arising to ensure all learning from the situation is captured and will update Capella's Non-Conformance Register and/or Capella's Safeguarding & Prevent Concerns & Issues Log and/or Capella's Changes & Opportunities Register (as applicable) as required. The Managing Director may share anonymised findings from the concern investigation with the Capella Advisory Board at this stage.
7. If the Customer is not satisfied with the formal written response that they receive regarding their concern, the customer may raise a complaint regarding the matter with Capella, in which case they should follow the process detailed in Appendix 1 of this policy.

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Appendix 3: Escalation of a complaint to the Education and Skills Funding Agency (ESFA).

If, after exhausting the Capella process, the apprentice or employer complainant is still not satisfied, they can escalate their complaint to the Education and Skills Funding Agency (ESFA) by:

- completing the form contained on the following webpage:
[Complaints procedure - Education and Skills Funding Agency - GOV.UK
\(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302221/complaints-procedure-education-and-skills-funding-agency.pdf)

Or

- writing to: Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

Please note that the ESFA will not usually investigate complaints more than 12 months after the original decision or action has been taken. For further information on how ESFA handle complaints please see:

[Complaints about post 16 education and training provision funded by ESFA - GOV.UK
\(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302221/complaints-procedure-education-and-skills-funding-agency.pdf)

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Historic Change Log (For Changes from 2020 onwards see Change Log at the start of this policy)				
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>