

<b>COMPLAINTS PROCEDURE</b>	
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<b>Lead responsibility:</b>	Operations Manager

<b>Distribution to:</b>	
All Staff	<input checked="" type="checkbox"/>
SLT only	<input type="checkbox"/>
Teaching Staff/Tutors	<input type="checkbox"/>
Administration Staff	<input type="checkbox"/>
Other (please specify)	<input checked="" type="checkbox"/> Learners, Partners, External Organisations

<b>Key Contacts:</b>	
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**This Policy supersedes any previous Policy of this name or instructions that pre-date this edition.**

## 1. PURPOSE

This Complaints Policy and procedure aim to ensure that complaints are resolved as fairly and quickly as possible. It also aims to ensure that, where practical, lessons can be learned and improvements made to the service Barrett-Bell Ltd offers. We aim to encourage a culture of openness around complaints.

This procedure covers areas of Barrett-Bell Ltd activity where an individual or group has a complaint arising from their company experience. The Policy should not be used where an issue is covered by any of the following policies:

- Student Code of Conduct
- Student Disciplinary, Appeals & Grievance Policy
- Staff Disciplinary Policy
- Staff Grievance Policy
- UK General Data Protection Regulation Policy
- Whistleblowing Policy

## 2. GENERAL PRINCIPLES

- Barrett-Bell Ltd are committed to providing the highest quality of service, which aims to meet and preferably exceed the expectations of all customers and key stakeholders.
- Users of our centres have the right to complain if they are dissatisfied and should expect to be dealt with fairly, amicably and quickly.
- An Individuals rights are not affected by making an informal or formal complaint.
- Barrett-Bell Ltd want all staff, learners, visitors and associates to feel confident in raising concerns and to question and act upon concerns about practice, incidents or decisions. We are fully committed to anti-bullying and a culture of openness.
- Decisions taken as the result of an investigation will be balanced and reasonable and informed by the facts of the complaint.
- Where the same complaint is raised by a number of individuals, at a similar time, this will be treated as a single complaint.
- Complaints should be resolved:
  - As quickly as possible
  - As close to the point of delivery as possible
  - Fairly (for all parties)
  - With the minimum of inconvenience to the complainant
  - In a consultative manner and with the aim of agreeing a solution
  - With a specific outcome(s) that move the situation forward as a learning experience

- Barrett-Bell Ltd do not entertain anonymous complaints, in all but the most exceptional of circumstances. Whistleblowing reports will be dealt under that specific Policy.
- Malicious complaints – Barrett-Bell Ltd takes the issue of malicious complaints very seriously. If, after investigation, a complaint is considered to have been made maliciously and/or without foundation, then this could result in disciplinary action against the person making the complaint.
- Vexatious complaints are also taken very seriously and will not be tolerated.
- Any individual who feels that Barrett-Bell Ltd has not dealt effectively with their complaint has the option to take up the complaint with, the Skills Funding Agency via the ‘Complaints against Providers’ process. Details of this process will be given once Barrett-Bell Ltd’s process has been exhausted.
- Areas of complaints may be:
  - Any conduct which is an offence or a breach of the law.
  - Actions which are unprofessional, inappropriate and conflict with a general understanding of what is right and wrong.
  - Unacceptable standards (of behaviour, administration or teaching and learning (T&L).
  - Sexual, physical or other abuse of others.
  - Harassment, sexual harassment or gaslighting.
  - Verbal abuse, racism, sexism, homophobia and blatant abuse about a person.
  - Unethical conduct and bullying.
  - Failure to comply with legal or examination protocol obligations.
  - Instances where people feel unfairly treated or disenfranchised.
  - Instances where those in authority have misused their authority.
  - Dangerous situations, health and safety and/or safeguarding risks.
- Confidentiality cannot be guaranteed where there are safeguarding or legal reasons but Barrett-Bell Ltd will do its utmost to ensure that all matters are dealt with sensitively and appropriately. There are cases where confidentiality will need to be broken on safeguarding or legal grounds and the person making the complaint will be informed of this action requirement.

### **3. DATA PROTECTION**

- All records of investigations and outcomes will be kept securely as per the UK General Data Protection Regulation Policy.
- It is expected that all individuals will assume responsibility for communication with Barrett-Bell Ltd and for drawing attention to any problems or concerns.
- For information on rights and responsibilities within the UK General Data Protection Regulation (GDPR), please refer to Barrett-Bell Ltd’s UK GDPR Policy and your individual Privacy Policy.
- Where an individual is unhappy about the processing of their personal data they can contact our Operations Manager for advice.

## 4. COMPLAINTS

Complaints must be made within 3 months of the event that gave rise to it and must be submitted in written or electronic form via letter, email or by completing a complaint form, signed and dated.

Where possible, complaints should be dealt with informally. Usually, only when this route fails to bring about a resolution should a formal complaint be initiated, unless the complaint relates to a serious matter, in which case the complaint will progress immediately to the formal stage.

The following are examples which could constitute a serious complaint.

- A complaint received directly from a regulatory body such as a funding body, police or government department.
- A complaint that could result on physical or mental abuse.
- A complaint that could impact negatively on other learner's rights to learn.
- A complaint which could result in a serious reputational impact for Barrett-Bell Ltd, including complaints involving injuries or safety.

### 4.1 Informal Resolution

Many issues can be dealt with informally and where possible, it is often best to do so to ensure a speedy resolution. These matters may be handled by any member of staff, but support from a line manager should be sought where things might escalate or have safeguarding implications.

There is no requirement for the member of staff to issue a formal letter or submit any other paperwork if the matter is resolved informally, unless the complainant specifically asks for this. However, the member of staff should record the incident for their own records.

Staff members dealing with the complaint should work to the following simple formula:

1. Listen
2. Ask questions
3. Do not give personal opinions
4. Remain unbiased
5. Agree a solution and check satisfaction
6. Implement the solution immediately
7. Follow up and check continued satisfaction

There should be no need to report the complaint to higher management unless the complaint is:

- Unusual or unique in its nature.
- Linked to an incident that could have had (or may have in the future have) the potential to lead to injury of an individual at Barrett-Bell Ltd (including staff).
- Linked to an incident that could have had (or may have in the future have) a potentially serious effect on Barrett-Bell Ltd's reputation.

In these situations, staff should make notes of the issue and the agreed resolution. These notes should be securely stored for three years from the date of resolution and be easily accessible in case the matter re-emerges or escalates to become a formal complaint.

The aim should be to deal with less significant issues in an informal way to ensure a speedy resolution.

## **4.2 Formal Resolution**

Where a complaint cannot be resolved informally, or due to the nature of the complaint it is not appropriate to do so, the matter may be treated as a formal complaint.

Details of the complaint should be submitted in writing to the individual's Tutor, signed and dated. If the individual does not feel comfortable approaching their Tutor/Line Manager, any member of staff/Manager within Barrett-Bell Ltd may be approached.

Timing guidelines for the handling of a formal complaint start on the day the written complaint is received by Barrett-Bell Ltd. Barrett-Bell Ltd will acknowledge receipt in writing to the complainant within three working days.

An Investigating Officer will be appointed by Barrett-Bell Ltd - this would normally be a manager with no direct involvement in the complaint. This ensures that an individual with suitable knowledge and experience is handling the investigation but does not have any direct stake in the outcome. There may be occasions when an alternative manager will be selected, again this person will be appointed by Barrett-Bell Ltd.

The Investigating Officer has ten working days to complete the initial investigation and respond back to the complainant. They will then send a draft response letter to the senior management at Barrett-Bell Ltd for approval before sending out to the complainant. The Investigating Officer will also confirm if in their view, the complaint was upheld, partially upheld or not upheld.

Deadlines may be extended due to the availability of relevant staff or if the case escalates. If there is a delay in producing a final written response, Barrett-Bell Ltd will send a holding letter informing the complainant of the reason for the delay and an update of the investigation to date, within ten working days.

Copies of all correspondence and notes will be sent to Barrett-Bell Ltd's senior management team for safe, confidential storage.

## **8. APPEALS**

On completion of the formal stage, the complainant has ten working days from the date of the formal response to deliver a written notice of appeal to Barrett-Bell Ltd, if they are dissatisfied with the outcome of the investigation.

An appeal can only be requested on the basis that at least one of the following criteria apply:

- New evidence has come to light.
- Not all of the evidence was considered when coming to a conclusion.
- Other procedural irregularity in the process.

Barrett-Bell Ltd will appoint an Appeals Officer who will be someone of equal or higher seniority than the original Investigating Officer.

The Appeals Officer should acknowledge, in writing, receipt of the appeal within one calendar month.

Deadlines may be extended due to the availability of relevant staff and time needed for the full process. A holding letter will be sent by Barrett-Bell Ltd if there is a delay in producing the final written response, informing the complainant of the reason for the delay and an update of the investigation to date.

## **9. CONTINUING A COMPLAINT BEYOND BARRETT-BELL LTD**

Once the complainant has exhausted Barrett-Bell Ltd's complaints process, and if a resolution has not been achieved, the complainant has a right to complain to the regulatory body.

Barrett-Bell Ltd is regulated by the Skills Funding Agency (SFA), and complaints should be addressed to the Complaints Team at the Skills Funding Agency.

Complainants should note that the Skills Funding Agency will only take up a complaint when they are satisfied that Barrett-Bell Ltd's procedure, including appeal, has been exhausted, unless the Agency believes that Barrett-Bell Ltd is not dealing with a complaint appropriately or effectively, when it may intervene before the procedure is exhausted.

Details on the Skills Funding Agency Complaints Procedure are contained in the document entitled, "Procedure for dealing with complaints about providers of education and training" which is available on [www.gov.uk/government/publications/sfa-complaints-procedure-about-providers](http://www.gov.uk/government/publications/sfa-complaints-procedure-about-providers).

## **10. STAFF MEMBERS**

If a member of staff has a complaint then they will need to follow the complaints procedure outlined in this document, their first point of call should be their Line Manager or another appropriate Manager.

If there is no resolution, then a Senior Manager will investigate and check what action has already taken place. The Senior Manager will bring a neutral, 'fresh pair of eyes' to the situation and if they resolve the issue then the case is closed.

If there is still no resolution, the Senior Manager should refer the case to a Barrett-Bell Ltd Director, who will adjudicate in the issue and whose decision is final, although members of staff can invoke the appropriate Appeals Procedure.

## **11. PARTNERS / EXTERNAL ORGANISATIONS**

If an individual has an issue with an external organisation or any staff employed by another organization, they should immediately inform a Barrett-Bell Ltd Director, who will investigate and take appropriate action and give the employee feedback on the outcome.

If any external organisation or member of staff of another organisation has a complaint about Barrett-Bell Ltd, then it should be immediately referred to a Barrett-Bell Ltd Director who will investigate the issue, take appropriate action and let all internal relevant staff or learners know of the outcome.

Barrett-Bell values its partners and associates and will endeavour to resolve all issues to maintain a healthy and professional working relationship.

At all times, staff will behave in a fair and non-discriminatory way.