

COMPLAINTS PROCEDURE

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Lead responsibility:	Director(s)

Distribution to:	
All Staff	☒
SLT only	☐
Teaching Staff/Tutors	☐
Administration Staff	☐
Other (please specify)	☒ Learners, Partners, External Organisations

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This Policy supersedes any previous Policy of this name or instructions that pre-date this edition.

COMPLAINTS PROCEDURE

1 Policy Statement

Barrett-Bell Ltd believes that it is better to work proactively to avoid complaints than take reactive measures to solve disagreements. However, Barrett-Bell Ltd recognises that, from time to time some disputes will occur and it is the company's intention that issues are solved quickly and fairly.

This Complaints Procedure (Policy) aims 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.

2 Principles

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

- 2.1 Barrett-Bell Ltd is committed to providing the highest quality of service, which aims to meet and preferably exceed the expectations of all customers and key Stakeholders.
- 2.2 Users of Barrett-Bell Ltd centres have the right to complain if they are dissatisfied and should expect to be dealt with fairly, amicably and quickly.
- 2.3 Barrett-Bell Ltd wants 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.
- 2.4 An Individual's rights are not affected by making an informal or Formal Complaint.

- 2.5 Decisions taken as the result of an investigation will be balanced and reasonable and informed by the facts of the complaint.
- 2.6 Where the same complaint is raised by a number of individuals, at a similar time, this will be treated as a single complaint.
- 2.7 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
- 2.8 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
- 2.9 Barrett-Bell Ltd does not generally entertain anonymous complaints, in all but the most exceptional of circumstances. Whistleblowing reports will be dealt with under that specific Policy.
- 2.10 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.

- 2.11 Vexatious complaints are also taken very seriously and will not be tolerated.
- 2.12 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 Department for Education via the 'Complaints against Providers' process. Details of this process will be given once Barrett-Bell Ltd's process has been exhausted.

3 Data Protection Issues

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.

- 3.1 It is expected that all individuals will assume responsibility for communication with Barrett-Bell Ltd and for drawing attention to any problems or concerns.
- 3.2 Managers must be sensitive to any information that is shared with them. Where information is required to be shared (because of Safeguarding or legal requirements) then they must make the person aware where data will be shared, why it must be shared and with whom it will be shared.
- 3.3 All records of investigations and outcomes will be kept securely as per the UK General Data Protection Regulation Policy.
- 3.4 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.
- 3.5 Where an individual is unhappy about the processing of their personal data, they can contact their Manager for advice.

4 Complaints Resolution (Staff)

- 4.1 Where possible, complaints should be dealt with informally at the first stage. This will usually be by verbal conversations. The Tutor or Line Manager will bring a neutral, 'fresh pair of eyes' to the situation and if they resolve the issue then the case is closed.

- 4.2 If there is a very serious issue or an informal resolution cannot be found, then any complaints(s) will move to stage two and must be made within 3 months of the event that gave rise to it. Historical complaints will be dealt with by the Directors who have the final right in the decision whether to pursue the complaint if it is in the public interest.
- 4.3 Formal Complaints must be submitted in written or electronic form via letter, email or by completing a complaint form, signed and dated.
- 4.4 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
- 4.5 **Informal Resolution** (Stage One) - many day-to-day 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.
- 4.6 There is no requirement for the member of Staff to issue a 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 or in need of subsequent evidence.
- 4.7 Staff members dealing with the complaint should work to the following simple formula:
- Listen
 - Ask relevant questions
 - Do not give personal opinions
 - Remain unbiased
 - Agree a possible solution and check that there is content with the suggestion
 - Implement the solution immediately
 - Follow up and check continued satisfaction

- 4.8 There should be no need to report the complaint to higher management unless the complaint is:
- A Safeguarding issue
 - Unusual or unique in its nature
 - Linked to an incident that could have led to, or may have the future potential to lead to, injury of any individual at Barrett-Bell Ltd or linked with Barrett-Bell Ltd
 - Linked to an incident that could have led to, or may have the future potential to lead to, a potentially serious effect on Barrett-Bell Ltd's workings and reputation
- 4.9 In these informal solutions, Staff /Managers should make notes of the issue(s) and the agreed resolution(s). 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.
- 4.10 **Formal Resolution** (Stage Two) - 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.
- 4.11 Details of the complaint should be submitted in writing to the individual's Tutor or Line Manager, signed and dated. If the individual does not feel comfortable approaching their Tutor/Line Manager, or the complaint is about the SLT, then any member of Staff/Manager within Barrett-Bell Ltd may be approached.
- 4.12 Timing guidelines for the handling of a Formal Complaint start on the day the written Formal Complaint is received by Barrett-Bell Ltd. Barrett-Bell Ltd will acknowledge receipt in writing to the complainant within three working days.
- 4.13 An Investigating Officer will be appointed by Barrett-Bell Ltd - this would normally be another 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 external Manager will be selected, again this person will be appointed by Barrett-Bell Ltd.

- 4.14 The Investigating Officer normally has ten working days to complete the initial investigation and respond back to the complainant. The ten days timescale is dependent on availability of the complainant and any witnesses that need to be interviewed. Deadlines may be extended due to the availability of relevant Staff or if the case escalates or there are counterclaims. 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.
- 4.15 The Investigating Officer will then send a draft response letter to one of the senior management at Barrett-Bell Ltd for approval before sending out to the complainant (not all SLT should have sight of this in case of an Appeal). The Investigating Officer will also confirm if in their view, the complaint was upheld, partially upheld or not upheld.
- 4.16 Copies of all correspondence and notes will be lodged securely at Barrett-Bell Ltd for safe, confidential storage.

5 Appeals Procedure

- 5.1 Barrett-Bell Ltd uses a robust system for any Investigation and it is hoped that the outcome of the Investigation will result in a mutually agreeable solution, however, it is recognised that sometimes the complainant will not be satisfied with the decision.
- 5.2 On completion of the Formal Complaints 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.
- 5.3 The person(s) against who the complaint was made also has ten working days from the date of the formal response and any sanction against them, to deliver a written notice of Appeal to Barrett-Bell Ltd.
- 5.3 An **Appeal** (Stage Three) can only be requested on the basis that at least one of the following criteria apply:
- New evidence has come to light
 - The decision was unfair
 - The procedure was not followed e.g. not all of the evidence was considered when coming to a conclusion

- Other procedural irregularity in the process – e.g. unconscious bias by the Investigator
 - Any sanction was inappropriate or too severe
- 5.4 Barrett-Bell Ltd will appoint an Appeals Officer who will be someone of equal or higher seniority than the original Investigating Officer.
- 5.5 The Appeals Officer should acknowledge, in writing, receipt of the Formal Appeal within one calendar month of its receipt.
- 5.6 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.
- 5.7 The decision of the Appeals Officer is final.

6 Post Appeal

- 6.1 The internal procedure ends with the final decision of the Appeals Officer.
- 6.2 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 that oversees Barrett-Bell Ltd's provision.
- 6.3 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.
- 6.4 The SFA will only take up a complaint once they are satisfied that Barrett-Bell Ltd's procedures, at all stages, has been exhausted. If the SFA has reason to believe that Barrett-Bell Ltd is not dealing with a complaint appropriately or effectively, it may intervene before the internal procedure is exhausted.
- 6.5 The SFA will instigate their own investigation and Barrett-Bell Ltd will be entitled to submit their own evidence to support their processes and outcomes.
- 6.6 Details on the Skills Funding Agency Complaints Procedure are contained in the document, "Procedure for dealing with complaints about providers of education and training" which is freely available on the website www.gov.uk/government/publications/sfa-complaints-procedure-about-providers.

7 Other Stakeholders (non-Staff)

It is understood that from time to time there may be issues with complaints made by external people/organisations against Barrett-Bell Ltd Staff. Equally, Staff at Barrett-Bell Ltd may have complaints against external partners or Stakeholders.

- 7.1 The ethos of Barrett-Bell Ltd applies to all its visitors, partners and Stakeholders and any complaint against or by any of these groups will be taken seriously.
- 7.2 Where an individual has an issue with an external organisation or any Staff employed by another organisation, they should immediately inform a Barrett-Bell Ltd Director, who will investigate and take appropriate action and give the Barrett-Bell Ltd employee feedback on the outcome.
- 7.3 If any external organisation or member of Staff of another organisation has a complaint about Barrett-Bell Ltd personnel or Learner, 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.
- 7.4 Barrett-Bell Ltd values its partners and associates and will endeavour to resolve all issues to maintain a healthy and professional working relationship.
- 7.5 A written record will be kept and filed securely on every instance of complaints via or to external bodies/organisations.
- 7.6 At all times, Barrett-Bell Ltd's values of non-discrimination, equality of opportunity and fairness will be part of its processes both informal and formal.