



AWC Training Ltd

Reviewed by: Allan Clare, Managing Director

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Review and Version Control Sheet

NB: This Policy will be revised annually or when legislation, improved practices or other modifications occur

| Date of Review | Policy Period | Next Review | Reviewer(s) | Comments | Authorised By |
|----------------|---------------|-------------|----------------------------|-----------------------------|--------------------|
| May 2019 | 12 months | May 2020 | Allan Clare Peter Quinn | Updated and Reviewed Policy | <i>Allan Clare</i> |
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Complaints and Appeal Procedures Policy

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1. Introduction

The term candidate relates to the apprentice/learner, staff and partners

AWC Training is committed to monitoring and evaluating its services to enhance their quality and ensure that they meet the standards outlined in our Apprentice handbook and other policies and regulations.

The organisations have procedures to ensure that candidates can take part in the decision-making processes in the organisation, we hope and expect that candidates will take full advantage of this in making their views known.

Regular candidate feedback is also gathered through various questionnaires and surveys that help us to use our resources in the best way possible to meet organisational and learner needs.

We recognise there may be occasions when information and feedback procedures are not enough to deal with problems that may occur from time to time. AWC Training has a formal complaints procedure to ensure that complaints and comments are dealt with in an efficient and professional manner.

The complaints procedure Aims.

- To be easily accessible
- To resolve complaints informally at local level wherever possible
- To encourage prompt review and decision making, with established time frames for action
- To ensure a full and fair investigation
- To respect complainants in confidence
- To provide an effective response and appropriate redress
- To feed back into the organisations procedures to improve services

2. General Principals

Definition

A candidate complaint is defined as:

'An expression of dissatisfaction by one or more candidates about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.

(Good Practice Framework for handling complaints and academic appeals, 2018)

What is a complaint?

Examples of complaints include:

- Standards of service
- Actions or lack of actions by the Organisation or its staff
- Provisions of the organisations affecting candidates

The complaints and appeals procedure do **NOT** cover:

- Requests for new or different services or provision
- Review of awarding boards decisions (appeals) and review of extenuating circumstances decisions
- Candidate union procedures

- Incidents which are defined as being any form of abuse, harassment or bullying including those related to gender, race, physical abilities, sexual orientation, religion or age. These will be considered in accordance with the Candidate Disciplinary Procedure.
- Staff grievance procedures:
These are covered by separate policies and procedures. Having considered a complaint, the Managing Director and a nominee believes that it should be considered in accordance with an alternative procedure, the complaint will be re directed to an alternative procedure. The candidate will be notified of this.

Who Can Complain?

- Current or previous candidates (studying through AWC Training within the last 3 months, individually or in a group)
- Anyone seeking or receiving a service from the organisation or anyone who is affected by the activities of the organisation.

Anonymous complaints are only accepted for consideration in exceptional circumstances. This type of complainant requires the submission through a third party. The complaint must include all details of the complainant and written permission for the third party to act on their behalf. The organisations may still need to speak to the complainant directly depending on the circumstances.

If the complaint applies to a group or cohort of candidates, then it is expected that one person will act as a group representative and all communication will be through this representative. All candidates wishing to be considered as part of a group complaint will need to provide their name, candidate details and signature agreeing to participate in the procedure.

All complaints and appeals are given full consideration and candidates will not be disadvantaged for making a genuine complaint. The organisations expects that complainants will not engage in frivolous or vexatious complaints. Where a complainant fails to provide reasonable evidence to substantiate their allegations, the organisations reserve the right not to progress the complaint further. The organisations also expect the complainant, or representative, will pursue any complaint in a proper manner which is compatible with the candidate behaviors. Candidates who submit frivolous or vexatious complaints may be subject to candidate interventions or actions outside the complaints and appeals procedures.

A frivolous or vexatious complaint can be characterised as:

- Obsessive, persistent, harassing, prolific, repetitious behavior
- Pursuing unmeritorious complaints and/or unrealistic outcomes that have been resolved
- Pursuing meritorious complaints in an unreasonable manner
- Designed to cause disruption, annoyance and or aggravation
- Demands for redress which lack any serious purpose or value

Receiving a Complaint

The Organisation will:

- Handle the complaint in a quick, polite and professional manner
- Investigate the complaint thoroughly and impartially
- Endeavor to keep the complainant informed at all stages of the process
- Ensure that candidates are not disadvantaged as a result of, raising the complaint

3. Stage 1 (Informal)

In the first instance all complaints must be raised informally at the point at which the problem arose. Concerns arise from misunderstandings that can quickly be resolved by talking through the situation. In the first instance complaints should be raised directly with the member of staff or the organisations Managing Director.

This can be done by initially discussing the matter with a member of staff within the organisations or service to which the complaint is related.

If the source of a complaint relates to the organisation's practices, initially any member of AWC Training staff or management can be contacted for advice, alternatively direct contact with the organisations Managing Director may be more appropriate. Issues at this level can be resolved informally

4. Stage 2 (Formal)

Having attempted to resolve the complaint informally, if the complainant considers the matter has not been satisfactorily resolved, they will be required to complete a Complaints and Appeals Form (appended to this procedure). This must be carried out within 20 working days of the incident. Complaints received after this timescale will only be considered in exceptional circumstances. The process is designed to resolve the situation within stage 2 of the procedure.

The completed complaints and appeals form should be forwarded to the Managing Director by emailing to allan@awctraining.co.uk who will acknowledge its receipt within 5 working days. Complaints resolved prior to stage 2 actions can be considered as informal.

If the complaint requires a formal investigation, an agreed Investigating Officer will be appointed. The Investigating Officer will arrange to meet with and interview any candidate referred to in the complaints and appeals form. The Investigating Officer will continue to investigate allegations and will interview any other candidate to recommend an outcome. If a complaint relates to the Managing Director, initially it will be investigated by representatives from our partner organisations and if considered serious it could be referred through a legal process.

A response will normally be sent to the complainant within 25 working days. If the complaint is likely to take longer than this to investigate, the Organisation will keep the complainant informed of progress on a regular basis. If a complaint is upheld, the response will set out what action the Organisation intends to take, for example a formal apology, a statement on how systems will be changed in the future. If a complaint relates to another candidate which indicates breaches in the organisation's policies, initiation of the appropriate disciplinary procedures will be enforced. The complainant will not be informed of the outcome of those actions made.

5. Stage 3 Review

If a complainant remains dissatisfied with the outcome of the Stage 2 response, they may submit a request for a review of the Stage 2 decision which must be based on one (or more) of the following grounds:

- There is new evidence that would have significantly affected the Stage 2 outcome which could not reasonably be made available when the Stage 2 complaint was submitted during investigation.

- There was a material procedural irregularity regard to the Stage 2 complaint which affected the outcome of the claim.
- That the decision in relation to the Stage 2 complaint was manifestly perverse. In this context, perverse is taken to mean that the Stage 2 decision was not feasible.

The request must be submitted with the following documentation:

- A letter outlining the grounds for challenging the Stage 2 outcome.
- Any new evidence and an explanation about why evidence was not available at the time of the original complaint.

The documentation above must be submitted to the Managing Director within 10 working days of the date of the Stage 2 outcome. Requests submitted after that timescale will not normally be considered and a Completion of Procedures letter will be issued if the Stage 3 if the complaint is out of time.

Upon receipt of a Stage 3 complaint, the complaint and previous documentation will be reviewed. Following completion of the review, the Managing Director will notify the complainant whether they have established grounds to refer the case to the Complaints Review Panel.

If there are grounds, the Complaints Review Panel will be convened within 20 working days of the decision of the Managing Director. If appropriate grounds have not been established, a Completion of Procedures letter will be issued.

Complaints Review Panel

The Complaints Review Panel will have access to all prior correspondence and the results of the initial investigation. The panel has the right to meet with and interview any person referred to in the complaint. In addition, if the complaint refers to the actions and/or behavior of an individual, that individual will have the right to appear before the panel to respond to such allegations or submit a written statement.

The Complaints Procedure is internal to the organisations. If the complaint is received from a current or previous candidate of the organisations they may be accompanied and represented by a nominated person of their choice.

In exceptional circumstances, where the organisations would be required to report its findings to a professional body, it could influence the individual's right to practice in their chosen profession. Legal representation may be required.

All requests to attend with legal representation should be submitted within five working days of notification to the Managing Director who will decide if such representation is permitted. The organisations will pay reasonable, standard rate travel expenses incurred attending the hearing. The right to be represented also applies to any individual who is the subject of a complaint.

The complainant will normally receive written confirmation of the Panel's conclusions and any subsequent action that the organisations intend to take within 5 working days of the end of the hearing. The decision of the Complaints Review Panel is the final stage of the organisation's complaints procedure.

Membership of the Complaints Review Panel

- The Managing Director of AWC Training Ltd
- Safeguarding officer
- Independent Officer

The Secretary to the Review Panel will not be part of the decision-making process.

6. Appeals Procedure

A member of staff, learner or client who wishes to appeal against a complaint that has not been resolved, such as issues relating to their education and training can request a further meeting under the Appeals Procedure.

Appeals process

Within a period of seven days the appellant must contact Managing Director of AWC Training in writing and give details of the reason for the appeal.

The Managing Director will contact the appellant within seven working days of receipt of the appeal and convene a meeting.

The appeal committee meeting consists of the following people:

- Managing Director (Chairperson)
- Appellant
- Appellant can bring with them another person such as a college.
- Member of staff the appellant has agreed to attend
- Administration assistant

The meeting is recorded, and the minutes of the meeting are issued to all attending.

The outcome of the appeals meeting will be mailed to the appellant with seven working days.

Procedure Appeal rules:

- The appellant may bring a recognised colleague with him or her to the appeal hearing
- The appellant and the responsible person are encouraged to make representations in writing.
- The appeal will be determined following an oral hearing from the appellant and the responsible person.
- The Chairperson may set time-limits for each stage of the proceedings, including the Hearing itself.
- Following the hearing of the appeal, the Appeal Committee will consider the facts of the complaint and may allow or dismiss an appeal.
- The decision of the Appeal Committee will be notified to the appellant and recorded in a document and a confirmatory letter will be sent to the appellant within seven days
- A copy of the document and letter will be retained by the Managing Director.

Appeals relating to judgement relating to complaints about Education and Training qualification assessments and the assessments grading of learner work will follow the awarding body procedure.

If a learner wishes to use AWC Training Appeals Procedure, it is available to them

7. Confidentiality

All stages within the complaint and appeal procedures will be handled confidentially and all related correspondence and documentation will be stored under GDPR.

8. Disabled Candidates

The organisations take its responsibilities seriously and sensitively when handling complaints relating to disabled individuals. If a complainant requires reasonable adjustments in order to attend a hearing or interview, they should notify the organisations in advance, to meet individual. This could mean the Organisations relocating the hearing to a more accessible venue and/or deciding for a communicator or advocate to be present at the hearing. To enable the Organisation to do this, requests should be submitted to the Managing Director on 07849077357, or email allan@awctraining.co.uk at least 5 working days before the hearing.

9. Legal Notice

The organisations reserve the right to suspend investigations into a complaint if a legal challenge is issued against the organisations or if there is a police investigation in relation to a complaint.

10. Who to Contact for Advice

Managing Director of AWC Training.

11. Policy Owner

This policy is owned by the Managing Director and will be reviewed in line with other AWC Training policies on an annual basis or more regularly if required to be changed as a result of new legislation or operational requirements.

12.**Complaints and Appeal Procedure Form*****Confidential***

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|--|-------------|------------------------|
| Candidate Name: | | |
| Contact Phone Number: | DOB: | Complaint Date: |
| Complaint Received by: | | |
| Please describe in as much detail as possible the nature of your complaint. Please provide or identify all known persons, documents and witnesses to your concerns: | | |
| Please describe how the actions in your complaint have prohibited you: | | |
| Please describe any positive solutions you believe can help resolve your complaint: | | |
| Please provide any additional comments you wish AWC Training to consider when investigating your complaint: | | |

Name of Complainant:**Signed:****Date:**