

## Client and Learners Complaints/Feedback Policy and Procedure

<b>Date established:</b>	June 2001
<b>Updated:</b>	November 2022
<b>Reviewed:</b>	Annually 17/11/22
<b>Purpose:</b>	<p>The complaints policy and associated procedure is intended to:</p> <ul style="list-style-type: none"> <li>• provide all clients with a transparent mechanism for raising a complaint.</li> <li>• implement improvements to provision resulting from customer feedback.</li> </ul>

### Operation

MITSkills is a learner centred private training provider working in the UK delivering training and skills valued by learners, employers, the community, and the UK economy.

The MITSkills complaints policy is available on SharePoint and on the company website. It is also available within our skills centres and is brought to the attention of staff, learners, and employers at induction. How to make a complaint is also included in the Learner Charter provided to all learners and referred to in Learner Handbooks, also Employer Handbooks. Suitable forms are provided on the website and can be requested from MITSkills staff and management.

The ESFA has required the following is added to this Policy and Procedure by all training providers

“The Training Provider’s Feedback and Complaints Procedure Add Clause 39.5 as follows:

39.5. The Training Provider will ensure that it has in place and complies with an effective **whistleblowing procedure, approved by the body responsible for the management of the Training Provider**, whereby staff may raise in confidence concerns about possible malpractice without fear of victimisation, subsequent discrimination, or disadvantage. The procedure must be published on the Training Provider’s public-facing website. The Training Provider will regularly review the procedure, including securing approval from the body responsible for the management of the Training Provider of any amended procedure.”

MITSkills notes that we have a separate Whistleblowing procedure and policy. This must be read separately and covers this contract point, both this document and our Whistleblowing Policy will be published on our website.

### **Feedback**

MITSkills welcome feedback which is used to improve our provision.

Feedback may be provided in several ways from learners, parents/carers/guardians and employers.

- a) Direct to tutor / work-based trainer / department manager
- b) Via the Learner / Employer Voice process

Feedback will be referred to the appropriate Head of Department for review and consideration. Improvements will be implemented as appropriate for the benefit of both learners and employers.

### **Minor Complaints**

It is anticipated that most complaints will be minor in nature and will be dealt with by a member of staff at the time or directed to the appropriate manager for resolution. It is expected that these will be resolved informally (usually face to face or on the telephone). Records of such complaints are recorded on learner's files. No formal record of the response will be kept, however, a response would be expected within 10 working days.

If a complaint is not dealt with to the complainant's satisfaction, they may raise it to a formal complaint.

### **Major/Formal Complaints**

Formal Complaints are dealt with in accordance with the MITSkills Complaint Procedure and a record of all complaints is maintained as part of our formal log within Quality Assurance / Safeguarding at the Company's Head Office.

If a learner, parent/carer/guardian or employer wishes to make a formal complaint, they will be requested to complete a Complaints Form found on the website, in the Employer Handbook or from this document, or as signposted in the Learner or Employer Handbook. Any complaints made verbally or electronically will be transcribed by MITSkills for tracking purposes.

MITSkills policy is to record all formal complaints, and to respond to all complaints within 10 full working days (The day the complaint is received will count as day one).

All complaints are taken as serious and will initially be flagged to a member of the Senior Management Team or the Director by the staff receiving the complaint.

### **Complaints that come under Safeguarding**

Unless the complaint is clearly not related to Safeguarding the default is that complaint forms will be reviewed in case there is a safeguarding context by the safeguarding lead, or Senior Management.

In the event the complaint is considered a Safeguarding issue it will be flagged to MITSkills Safeguarding Officer, in this event the complainant will be informed, and the Safeguarding procedures will be followed.

All other complaints will be actioned under MITSkills Complaints/Feedback Procedure (see SharePoint and our Website)

The complaint will be allocated, investigated, and reviewed and a written resolution will be forwarded to the complainant within 10 working days. This process may require contact with the complainant if deemed appropriate, and it is to be expected that the complainant is willing to work with MITSkills to resolve the complaint. In the event this cooperation is not achievable MITSkills will make a proposed resolution in writing.

The final decision rests with the Director of MITSkills.

In the event the complaint cannot be resolved within 10 working days, it is MITSkills policy to refer the issue to the appropriate learner funding body, or to ask for an extension to resolve the complaint. The complainant will be informed of this in writing by day 10 from registering a formal complaint.

It is MITSkills management policy to review complaints for improvement purposes.

Records of formal complaints are monitored on a quarterly basis as part of the quarterly review process.

Complaints, where it is agreed as appropriate by the SMT, may be discussed at regular team meetings to identify any recurring themes that may suggest a need for further improvement action.

Complaints from any other sources will also be recorded and acted upon in the same manner as learner complaints and according to the learner complaints procedures.

The complaints policy is designed to support continuous improvement.



## Customers, Employers and Learner Complaints Procedure

### 1. Aims

- a) To reassure the customer that their complaint is being dealt with efficiently and fairly.
- b) To provide a straightforward and consistent way to make representation to MITSkills and to offer prompt action and a speedy resolution of any complaints.
- c) MITSkills encourage learners and employers (staff will be referred to the Grievance procedure for staff related complaints where appropriate) to resolve issues at an informal level.

If you are dissatisfied with any aspect of your course; in the first instance you should raise your complaint with your Tutor / Work based trainer.

If this is not appropriate, or the Tutor / Work based trainer is unable to provide a satisfactory response, you should then put your complaint in writing, using the MITSkills Complaints Form.

- d) If a learner, parent/carer/guardian or employer wishes to make a formal complaint, they will be requested to complete the Complaints Form signposted via the learner handbooks on our website as part of this document or Employer Handbook.

This should be sent to our Admin team via the email given on the form or by post to the named Senior Manager (see the complaints form) who will co-ordinate any ongoing investigations. All complaints will initially go via our safeguarding officer, unless it is clearly not related to safeguarding. Where it is a safeguarding issue, it will be dealt with under safeguarding procedures, otherwise it will be handled via departmental line manager - via the appropriate staff under this policy.

Complaints made verbally or electronically will be transcribed by MITSkills for tracking purposes. (A complaint, any form i.e. by letter; telephone, fax; e-mail; or in person, you will be given assistance given in making the complaint to ensure the complaint is understood and recorded on a Complaints Form)

- e) MITSkills aim to use complaints positively and take action to maintain and improve services.

### 2. Availability

This complaints procedure is available on our website, at our offices and available to all MITSkills customers and learners and covers all services provided by MITSkills.

### 3. What is a Complaint?

MITSkills defines a complaint as “an expression of dissatisfaction about MITSkills actions or lack of action or about the standard of a service provided by MITSkills itself or a person or body acting on behalf of MITSkills”.

### 5. Types of complaint and what is excluded?

The following list indicates in general terms the range of complaints which fall within the procedure and, additionally, what type of complaints are excluded.

Where a matter is excluded from the procedure every effort will still be made to help to resolve the problem. The excluded categories should still be recorded and monitored as a separate category.

Assistance will be provided where necessary when a complaint is made.

### **Complaints**

- a) Dissatisfaction with the way MITSkills policies are carried out (as opposed to dissatisfaction with the policies themselves).
- b) Failure to consider relevant matters in coming to a decision.
- c) Failure to implement a decision.
- d) Complaints regarding the behaviour or perceived behaviour of individual employees.
- e) Delays in responding to complaints about the administrative process.
- f) Failure to provide a service that should be provided.
- g) Failure to fulfil statutory responsibilities.
- h) Discrimination, harassment or bullying.

Where a complaint is deemed to be a Safeguarding issue it will be referred to the safeguarding officer for further investigation or action.

### **Matters that are not considered complaints**

The following will not follow the complaints procedure; but every attempt will be made to resolve them.

- Criticisms of or disagreements with MITSkills policies or decisions themselves rather than the way they have been carried out except where they are in breach of statutory rights.
- Complaints against individual employees where no other basis for criticism exists other than the employee was implementing MITSkills policy/decisions.
- A matter where there is an alternative means of solving the criticism, for example: –
  - Appeal within the remit of an Awarding Body.
  - Appeal to the Crown, Magistrates or County Court.
  - A matter which has or could reasonably be expected to be the subject of Court or tribunal proceedings, or which is or could be placed in the hands of MITSkills insurers.
  - Criticisms which constitute a disagreement with or a refusal to accept a rule of Law which MITSkills is applying.

- Criticisms over statutory duties administered.
- Complaints received where it has been longer than 8 weeks since the learner left the programme

## **7. How to make a Complaint**

The complaints procedure will be followed whenever a complaint is being dealt with.

### **Minor Complaint (Verbal Complaint)**

These types of complaints would usually be raised directly to the tutor / work place trainer or via the learner or employer voice procedure.

The complaint will be dealt with by the appropriate manager and the resolution will likely be provided face to face or via telephone. The complaint will be recorded however, no formal record of the response will be kept. A response would be expected within 10 working days.

If a written complaint is received directly from the learner, parent/carer/guardian or employer, it will be considered a formal complaint.

If a complaint cannot be resolved informally, it may be raised to a formal complaint and the formal procedure should be followed, which contains three stages: –

#### **Stage 1**

Complete the Complaints Form on the website (also attached to the bottom this document) or from the employer handbook and send the form to us (the address is on the form).

- Write to us at MITSkills and address the letter to your Departmental Head or Quality Director as appropriate. They will review the complaint and allocate it to Stage 1 to be dealt with by appropriate departmental personnel or if appropriate refer it to Stage 2 or safeguarding officer.

If you need support to complete the complaints form, ask any member of staff to advise you or take details.

You should receive a response within 10 working days which may include a request to give more details, a proposed resolution, or a request to discuss the complaint face to face with staff or management member allocated to investigate/resolve the issues.

In the event you are dissatisfied with the resolution you may request escalation to stage 2. A written request must be received by MITSkills within 5 working days of you receiving your Stage 1 response.

#### **Stage 2**

The intention of stage 1 is to allow the service concerned to give a satisfactory explanation of its action or to put matters right. If that does not satisfy your complaint or your complaint is of a nature requiring the departmental head to investigate, then the complaint can progress to stage 2 with you requesting the relevant head of department carrying out a formal investigation and a written reply will be sent within 10 days from date of your request to move to stage 2.

Help and advice on Stage 2 is available from the department dealing with your complaint. The Head of the department will look to respond within 10 days either identifying proposed resolution or a timescale to resolve the issue.

In the event you are dissatisfied with the resolution you may request escalation to stage 3. A written request must be received by MITSkills within 5 working days of you receiving your Stage 2 response.

### **Stage 3**

If you are still dissatisfied, then at stage 3 you can have the matter reviewed by two members of the SMT (Senior Management Team). A written reply will be sent within 10 working days from the date of receipt.

The complaint will be allocated, investigated, and reviewed and a written resolution will be forwarded to the complainant within 10 working days of their initial complaint. This process may require contact with the complainant if deemed appropriate, and it is to be expected that the complainant is willing to work with MITSkills to resolve the complaint. In the event this cooperation is not achievable MITSkills will make a proposed resolution in writing.

The final decision rests with the Director of MITSkills

In the event the complaint cannot be resolved within 10 working days (based on the escalation stage), it is MITSkills policy to refer the issue to the appropriate learner funding body. The complainant will be informed of this in writing by day 10 from registering a formal complaint (Stage 3).

## **8. Responsibility for Dealing with Complaints and Administering the Procedure**

Any complaint will be recorded, and monitored, by the SMT liaising with the Safeguarding Officer, Departmental Manager, Operations Director, and Managing Director as Appropriate. (Where a complaint is deemed to be a safeguarding issue the complaint will be dealt with by the safeguarding officer).

### **A complaint will be dealt with by the following personnel.**

Stage 1 – An employee dealing with the service being complained about e.g. Tutor, Work Place Trainer, Manager or Safeguarding Lead

Stage 2 – Head of Department from the service being complained about e.g. Head of Department, HR Manager

Stage 3 – Managing Director or Director.

## 9. Time Limits

The time limit for dealing with a complaint is 10 working days. Based on the stage request by the complainant or as allocated based on the nature of the complaint.

However, for matters involving detailed investigation the total time limit is 28 days. An acknowledgement will be sent within 3 working days. These time scales apply at each stage. If these time limits to respond or to rectify the complaint cannot be achieved the customer will be advised why and given an expected period and the complaint will be moved to the next stage of the process.

## 10. Your Rights

You are entitled to: –

- a) A full and impartial investigation of the complaint.
- b) Response within the laid down time limits.
- c) A full written response to the complaint or subsequent appeal within Stages 2 and 3.
- d) If the complaint is justified, then one of the following remedies will be recommended.
- e) The opportunity to indicate whether your complaint has been dealt with satisfactorily. This can be via a telephone call, letter, or email.

## 11. Remedies

- a) An apology.
- b) The provision of the service you want.
- c) Repayment of any nominal out of pocket expenses.
- d) Where it is considered an ex-gratia payment would be appropriate the matter should be referred to the Managing Director.

## 12. Complaint Monitoring

- a) A complaints record will be kept by the Safeguarding Lead and Quality Manager of the number, nature, and outcome of complaints; (including date received; acknowledged; responded).
- b) The Quality Manager will prepare annual monitoring reports setting out numbers, categories of complaint and results of stage 3 appeals and report the findings. The Senior Management Team will also monitor reports monthly to assess trends and what actions should be taken.
- c) Annually the Managing Director and the Senior Management Team will review the operation of the complaint's procedure.

## 13. Suspension of Procedure



In exceptional circumstances the Managing Director can suspend this complaints procedure to enable wider investigation or where the complaint requires investigation by other external bodies such as the police, or where the issue comes under safeguarding and is referred to external safeguarding authorities where the timescale may be markedly different.

### **MITskills' Customer care promise**

- All customers are entitled to a prompt, courteous and efficient service
- All customers can expect a full and fair investigation of their complaint
- However, it is possible that customers will not always like the outcome of their complaint, but be reassured that it is investigated thoroughly
- MITskills will explain rules and procedures if they are not clear
- Customer confidentiality will be respected
- Customers will be informed of the progress and the outcome of their complaint.

### **If you're unhappy with the outcome**

You can complain to the Education and Skills Funding Agency (ESFA) about how your complaint was handled in relation to ESFA funded delivery.

The ESFA does not deal with complaints about employment or exam appeal issues (for example, a problem with your contract if you're working as an apprentice). You can read the ESFA guidance on the following hyperlink (checked November 2022).

<https://www.gov.uk/complain-further-education-apprenticeship>

You must contact the ESFA within 12 months after the issue happened.

Email or post your complaint to the ESFA complaints team.

#### **ESFA complaints team**

[complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk)

Complaints team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

The ESFA will reply to let you know what will happen next.

<b>Date Reviewed</b>	17/11/22
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<b>Reviewed</b>	Annually
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<b>Approved By:</b>	  Company Director: 171122



## Complaints Form

Please complete this form concerning the nature of your complaint. Please keep a copy of this form and return the original to MITSkills. Email to [Admin@mitskills.com](mailto:Admin@mitskills.com)

<b>Name</b>	<b>Employers Name</b>
<b>Centre</b>	<b>Learning Programme</b>

**Details of Complaint:** *Please indicate written or verbal complaint*

<b>Submitted to</b>	<b>Learner's Signature</b>
<b>Office Signature</b>	<b>Date</b>

Post to; Head of Delivery, M.I.T. Skills, 12 - 13 Camphill Industrial Estate, West Byfleet, Surrey  
KT14 6EW

Office Use Only

Source of Complaint:  
.....

Training Co-ordinator: .....  
Ref.....