

## 1. Introduction

- 1.1. This Complaints Policy and Procedure covers handling of complaints from learners and may include general matters arising at Appris or in relation to a learner’s studies. A complaint is normally an expression of dissatisfaction about certain action or lack of action taken by Appris or about the standard of a service provided by or on behalf of Appris.
- 1.2. Complaints relating to any form of bullying or harassment are usually handled in accordance with the Bullying and Harassment Policy.
- 1.3. There are separate procedures for complaints for commercial customers of Appris.
- 1.4. Appris welcomes comments and suggestions from learners. Learners wishing to make a comment or suggestion are invited to do so informally at the point of service delivery by contacting the appropriate person.

## 2. General Principles

- 2.1. Complaints should be dealt with initially as close to their source and as informally as possible.
- 2.2. Frivolous, malicious and/or vexatious complaints (including within the legal sense of having no substantial chance of success) will not be accepted. If a learner is found to have made a frivolous, malicious and/or vexatious complaint, this may constitute a disciplinary offence and may be dealt with under the Learner Disciplinary Procedure.
- 2.3. Exceptionally, if Appris identifies that particular urgency is shown with sufficient evidence in support, such as where an emergency situation may arise, then it may make efforts to take swift action to deal with such a complaint.
- 2.4. Any investigating officer shall be unbiased. They should not be or remain in an investigative or decision-making role if they have or subsequently find they have a conflict of interest. They should act in good faith, considering relevant considerations and extenuating circumstances, whilst ignoring irrelevant considerations. As far as is feasible, investigating officers should not have had significant prior involvement in matters central to the complaint.
- 2.5. Suitable records will be kept at each stage of the complaint, including of matters considered and any outcomes.
- 2.6. Individual privacy/confidentiality will be respected as far as reasonably practicable, subject to the need to facilitate a fair and proper investigation and appropriate reporting of the outcome.
- 2.7. Complainants are also asked to adhere to an appropriate level of confidentiality while the complaint is under investigation.
- 2.8. The standard of proof to be applied shall be that used in civil court cases i.e. on a balance of probabilities.
- 2.9. Complaints will be dealt with in accordance with the Appris’ equality policies.
- 2.10. Complaints will be dealt with within a reasonable time, avoiding any undue delay. The Formal Complaints procedure and review should normally be completed within 15 days of receipt of the formal complaint.
- 2.11. Where a complaint has been upheld, appropriate reasonable remedial action should be offered.
- 2.12. Appris will seek as far as reasonably possible to minimise any cost to a complainant in pursuing a complaint. Complainants are not expected to need legal representation or incur legal costs and formal rules of evidence shall not apply; legal representation at internal investigation meetings and hearings will not be permitted.
- 2.13. It is expected that all parties involved will act reasonably, fairly and courteously towards each other and respect the processes.

## 3. Submission of a complaint

- 3.1. Complainants should seek to bring their complaint to the attention of Appris as soon as possible following the occurrence of events leading to the complaint and normally within one calendar month.
- 3.2. A complaint may be submitted by an individual learner or by a group of learners acting collectively, provided that all named individuals have signed up to it. In the case of a group complaint and in order to manage this

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effectively, Appris shall ask the group to nominate one learner to act as group representative, with whom Appris shall then deal, leaving such representative to liaise with the other learners and keep them informed.

3.3. Complaints by third parties (i.e., by individuals or organisations other than the actual complainant) are not normally accepted. Any rare exceptions to this rule must be agreed by the Board of Trustees and can normally only be agreed on the basis that the learner is incapable of managing their own complaint at the time or in the near future (for example, on the basis of disability). There must be clear evidence to demonstrate that the learner is incapable of handling the complaint on their own behalf.

3.4. Anonymous complaints will not normally be considered, as it should not be necessary to bring complaints in this way, particularly as this can impede any investigation and communication of the outcome. Exceptionally if Appris accepts there is a compelling reason, supported by sufficient evidence, for a complaint to be brought anonymously, such a complaint may be considered.

3.5. By submitting a complaint, a learner should understand that Appris will itself need to gather information about the matters raised, and that this information may include sensitive personal details. Appris will investigate the facts and available evidence and may discuss these with appropriate people. Investigations will be managed sensitively, and the information learners submit will remain confidential as far as this is consistent with other parties' right to know of any allegations and evidence against them. It might be necessary to provide the complaint to, and request information from, relevant departments in order to investigate the issues raised. If there is any aspect of a complaint or the submitted evidence that a learner feels must remain confidential, the learner must discuss this with the investigating officer. Appris cannot guarantee that this will be possible and highlights that in cases where some information is restricted owing to a request for confidentiality, it may not be able to ensure that full consideration is afforded to each case.

3.6. Complaints will normally be dealt with under the Informal Complaints Procedure in the first instance.

#### **4. Stage 1: Informal Complaints Procedure**

4.1. Learners who experience a problem with their course or any Appris service or other matter within the control of the Appris, should normally first raise this with a relevant member of staff involved with such service or matter, providing relevant details of the complaint and any remedy sought.

4.3. If the matter cannot be resolved with the relevant member of staff, the learner should raise it informally with the relevant persons manager.

4.4. As the matter is considered, it may involve discussions, meetings, giving of more information, explanations, suggested solutions and/or giving an apology where appropriate.

4.5. Consideration may be given at this stage to possible mediation or conciliation, with a view to trying to resolve the complaint informally and as early as possible.

4.6. A response to the informal complaint will normally be given to the complainant in writing as soon as reasonably practicable.

4.7. If informal investigation and consideration does not resolve the matter, a complainant may submit a formal complaint in writing to a Director, following the procedure set out in section 5 below.

#### **5. Stage 2: Formal Complaints Procedure**

5.1. The Formal Complaints Procedure should be used only where the complainant is dissatisfied with the outcome of the Informal Complaints Procedure or where the nature of the complaint is too serious for the Informal Complaints Procedure.

5.2. A completed formal complaint form (Appendix 1) should be sent to the Operations Director in sufficient detail to enable it to be properly investigated, providing any relevant evidence and indicating any remedy sought.

5.3. The Operations Director will ensure the matter is considered as soon as reasonably practicable, with written acknowledgement of the complaint normally sent within 5 days of receipt.

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- 5.4. If the Operations Director is unable or becomes unable to act (e.g. due to illness, annual leave or being abroad due to work commitments), the Managing Director may be appointed to act in their place.
- 5.5. The Operations Director will decide whether the complaint should be investigated under the Formal Complaints procedure or whether it would be more appropriately investigated under another procedure, notifying the complainant accordingly.
- 5.6. The Operations Director may appoint one or more members of staff to investigate the complaint on his/her behalf and to report back, as the basis for a response. The investigator(s) should normally not have had significant previous involvement.
- 5.7. If the complaint relates to the Operations Director, then the formal complaint should be submitted to the Managing Director, who will act in place of the Operations Director.
- 5.8. The investigator(s) may seek information from and/or interview the complainant and any other parties identified by the investigator(s) at their discretion. They may consider use of mediation or conciliation where they deem appropriate.
- 5.9. If a complainant is required to attend in person at any time as part of the investigation, they are entitled to be accompanied by a registered learner or employee of Appris.
- 5.10. Where a complainant or the subject of a complaint is accompanied, the companion is present to provide support and not to represent the complainant or subject of the complaint.
- 5.11. The investigation of a formal complaint should be completed within 10 working days under normal circumstances. Such timescale may vary where complexities arise in the complaint or other factors. Where the timescale becomes extended, the learner will be kept updated as to progress.
- 5.12. After completion of an investigation, the Operations Director will send a written response to the complainant, giving reasons for any decision made and brief details of how it was arrived at, together with a statement of the outcome. The response should point out the details of the next steps available to the complainant and timescale at 5.14 below.
- 5.13. Any proposed remedy accepted by the complainant shall be in full and final settlement to resolve the complaint and should be implemented as soon as reasonably practicable.
- 5.14. If a complainant remains dissatisfied following the investigation, they may write to the Board of Trustees, requesting a review of the decision. Such requests must be submitted within 15 working days of the date of the response.

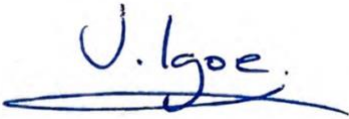
## 6. Stage 3: Review of Formal Complaint

- 6.1. Upon receipt of any request for review (see 5.14 above), a senior member of staff shall undertake a review of the formal complaint, focusing on whether appropriate procedures were followed in the investigation and whether the decision was reasonable.
- 6.2. The reviewer may consider further comments and information submitted by the complainant, along with any other new material or evidence produced by the subject of the complaint or identified in the course of the review.
- 6.3. The reviewer can, if felt justifiable, overturn the earlier outcome and substitute a new one.
- 6.4. On completion of the review, the Board of Trustees will issue a separate Completion of Procedures letter to the complainant.

## 7. Next steps

- 7.1. Following a review, if the complainant remains dissatisfied, they may raise this with the Education & Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

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Signed: John Igoe – Managing Director

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## Appendix 1 - Formal Complaint Form

It is assumed that in making a formal complaint you will first have taken your complaint through the informal stage.

By submitting a complaint, a learner should understand that Appris will itself need to gather information about the matters raised, and that this information may include sensitive personal details.

This form is for use by any learner of Appris, any learner applicant, or by a group of learners acting collectively, provided all named individuals have signed up to it. Please be aware that Appris takes a strong view about complaints which it finds to be frivolous, vexatious or malicious. Anonymous complaints will only exceptionally be considered.

Name of complainant (your name)			
Employer			
Address for correspondence			
Email address			
Contact telephone number		Date of complaint submission	

### 1. Description of your complaint

Please provide details of:

1. the background to your complaint, including stating the relevant facts and events involved chronologically, together with relevant dates;
2. the issue(s) which you wish to be considered.

If you have several issues, please list these and provide details of each separately.

## 2. The History of your Complaint at the Informal Stage

Please provide details of how you have raised these concerns so far including:

- a) a description of the steps you have taken to resolve this matter informally, for example by raising it with the relevant staff;
- b) details and names of the people with whom you have raised this complaint informally, e.g. your employer or Tutor, Appris Welfare Officer;
- c) the outcome of the complaint at the informal stage;
- d) the reasons why you feel that your complaint remains unresolved.

## 3. Additional documents

Please list any additional documents or other evidence you are submitting in support of your complaint.

## 4. The remedy you seek

Please tell us what remedy you seek and why you believe this remedy is appropriate.

Please send your complaint to the Operations Director, [k.stoddart@appris.co.uk](mailto:k.stoddart@appris.co.uk)

If you submit your complaint in hard copy please sign here to verify that it is from you.

Signature		Date	
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