

Aims

HIT and C2C regard stakeholder feedback as important to improving service delivery. The complaints policy aims to ensure all stakeholders know how to direct their concerns to the appropriate personnel within HIT, and when addressing their complaint to an external agency is warranted.

Rationale

The company will use its best endeavours at all times to provide, at the very least, a satisfactory service to all our clients and stakeholders. This policy explains how we document, resolve and record complaints.

Complaints may come from learners, prospective learners, parents, guardians, carers, client companies, and prospective client companies, organisations with whom we hold contracts or sub-contracts or are bidding to gain contracts¹.

In order to suitably investigate and resolve complaints, where such complaints involve HIT/C2C personnel the company will need to provide individuals with the name of the person or persons making the complaint and the details that constitute the complaint. The company will request permission to do this, but not to have such information can obstruct a fair and robust investigation and as such there may be good cause to overturn the complaint

All stakeholders should be advised of the HIT/C2C complaints policy and advised as to where they can locate the policy, which is available on the company website and reference to complaint handling and service recovery will be covered on employer and learner induction and information on how to communicate service concerns are noted in the company's learner and employer handbooks'.

It is imperative that HIT/C2C personnel are familiar with the complaints policy and procedures and ensure that any complainant is appraised of how to make a complaint. Stakeholders should be advised of the company free phone number; the info@hittraining.co.uk e-mail address and HIT personnel who are the contact for learners, employers, sub-contractors and clients should ensure the relevant people have access to their company mobile phone number and e-mail address. Stakeholders should also be notified of the company website and the contact us page.

If a stakeholder wishes to take a complaint to an external agency such as the funding agency it is important that the company procedure is fully exhausted before the external agency can get involved.

¹ (There is a separate appeals procedure to meet awarding organisation guidelines when learners, employers or delivery staffs wish to appeal against an assessment decision, quality assurance or certification decision. For HIT/C2C personnel the grievance procedure should be used for valid complaints

Complaint handling procedure

Verbal complaints or complaints received from any learner, client or stakeholder must be forwarded to the respective line manager (if the complaint is about an area team member) with a note on how it has been resolved, whether it is on-going and what remedial action has or needs to be taken to resolve the complaint. All complaints must also be forwarded to info@hittraining.co.uk in order to have a centralised overview of company complaints.

The line manager will monitor the progress of the complaint until conclusion. They will also decide whether local operating procedures need to be amended or whether the complaint requires a company-wide review and changes. The service resolution should be communicated to the regional management team for the purpose of prevention of re-occurring service failures and continuous improvement and info@hittraining.co.uk updated.

Please note that a complaint pertaining to qualification acquisition should use the appeals and disputes procedure and the Quality Assurance Director should be advised.

A complaint pertaining to the safety and/or wellbeing of a learner should be referred to the Operations Director- to establish if there is a safeguarding concern

If the complaint pertains to senior management or support or head office personnel, the information should be directed to the most appropriate member of the Executive Board and company policies and procedures should be applied to secure a suitable resolution and actions taken noted. As above info@hittraining.co.uk should be informed of the complaint and resolutions agreed.

If a learner, client or stakeholder wishes to make a formal complaint, this should be made in writing (including email and fax)² to the member of staff dealing with the complainant. You should encourage the complainant to provide detailed information to enable a fair investigation to be undertaken: as above info@hittraining.co.uk should be informed of the complaint.

The written complaint should be forwarded to an appropriate Line Manager for area team personnel this will be the area manager; for quality assurance personnel this will be the Regional Quality Manager and the Regional Operations or Sector National Operations Managers³ should be notified of all formal complaints.

Complaints from sub-contractors or from sub-contractors learners, employers, and relevant stakeholders should be directed to the National Contracts Manager, who will in turn inform the Operations Director.

Complaints from key accounts and clients should be directed to the Business Development Manager, who will in turn inform the Operations Director.

Complaints emanating from a supplier, shareholders and the external funding agency or other public or professional bodies or awarding organisations should be directed to Head Office and will be addressed by the relevant Director. The same timescales as above will be followed here.

² If there is a reason the complaint cannot be communicated in a written fashion the company will consider alternatives to recording your complaint

³ In the case of employability programmes the client or employer should follow this procedure, HIT/C2C will advise of suitable external agencies and prime contractors where the complaint can be escalated to, where appropriate

The appropriate manager will reply to a formal complaint within 48 hours working days⁴ acknowledging the complaint. If the complaint can be resolved immediately then the manager should do so.

If the complaint requires more detailed investigation and planning the manager will reply to the complainant in writing or through e mail outlining the investigation to be undertaken with projected timescales.

A full investigation of the complaint must be independently carried out by the appropriate manager or director and a report written and agreed with a Director then the manager will present findings and solutions to the complainant. Where possible this should be completed within 30 working days of the complaint being received.

Where a complaint has been resolved, the outcome should be noted and as required the original person receiving the complaint will check that the complainant is satisfied with the outcome and that the corrective action has been implemented.

The company reserves the right to not uphold a complaint, where the findings of the investigation find HIT/C2C are compliant with their own policies and procedures and in no contravention with external regulations or rules. In these circumstances the company will advise the complainant of their decision and the reasons for this.

In the case of malicious or unfounded complaints the company will seek advice and take any action necessary to protect the company's reputation and assets.

If a complaint cannot be resolved to the satisfaction of the complainant then the file will be passed to the Managing Director for all matters who will seek to resolve the matter directly or involve any third party or legal advisor

All complaint documentation should be filed electronically at the area office where the complaint originated. Information relevant to the complaint and the resolution should be communicated as appropriate to prevent the re-occurrence of such events and to facilitate continuous improvement.

A copy of all investigation reports from written complaints should be forwarded the marketing office and in the case of complaints that are a result of company procedural failure such complaints will be evaluated at Board level, with required changes to company policies or procedures being agreed as needed and deemed as acceptable to the Board.

Involving the Skills funding agency

Where a complaint is made in connection to a government funded programme the complainant has the right to involve the funding body, however there are requirements that all complainants need to be advised of, before they make an approach to the agency.

The following guidance, protocols should be adhered to:

- First try to resolve it with the provider in this case HIT/C2C; the external agency will need to confirm that the company's complaint procedure has been fully exhausted before responding to a complaint (unless the complaint is an allegation relating to irregularity and/or fraudulent practice, in this situation the agency may see it as acceptable for the complaint to go direct to them)

⁴ In all cases of complaints, timescales as detailed in the accompanying flowchart should be adhered to; where this is not possible the complainant and appropriate Director should be advised and an alternative timescale agreed by all parties

The Role of the Agency

A complaint will be investigated in accordance with the Agency's procedure for investigating Complaints about Providers, a copy of which can be found at:

- <http://skillsfundingagency.bis.gov.uk/aboutus/contactus/complaints/>.

The complaint will be investigated by the Area Relationship Team based in the area in which the provider is located. Where a complaint concerns Apprenticeship provision, the appropriate officer will liaise with the National Apprenticeship Service (NAS).

The Agency's role is primarily to ensure that the provider's procedures are working effectively. The Agency reviews the processes the provider has gone through when dealing with your complaint and the decisions that have been made. **The Agency will not substitute its decision for the provider's where the provider has followed its procedures and the decision is reasonable.**

Types of complaint

The types of complaint that the Agency can consider are:

- the quality or management of learning provision
- undue delay or non-compliance with published procedures
- poor administration by the provider
- equality and diversity⁵ issues (except where there is a more appropriate mechanism for dealing with the matter through the courts, tribunals or other organisations)
- health and safety concerns (unless these are matters for the Health and Safety Executive)

The types of complaint the Agency cannot consider are:

- examination results or curriculum content or quality assurance decisions and certification where a more appropriate form of redress would be the examining body, awarding organisation or the Office of Qualifications and Examinations Regulation (Ofqual) (the company appeals and disputes procedure should be utilised here)
- individual employment issues (not in the wider public interest) which are a matter for the employer and the employee, where employment law provides appropriate remedies
- contractual disputes such as those arising from a contractual agreement between the complainant and the provider
- matters that are the subject of legal action, or where legal proceedings are the most appropriate way of resolving the dispute.

In all cases where there is a valid case for the complaint being referred to the funding agency the Area Relationship Team representing the funding agency will try to point you in the right direction if they are not able to deal with your complaint.

⁵ Safeguarding issues may be referred to the SFA where the provider has a case to answer in terms of procedural non-compliance otherwise it would be expected that all safeguarding concerns would be reported via the appropriate bodies

Complaint procedure where involving the funding agency

Firstly the complainant must exhaust the provider's complaints procedure. If the complainant is unhappy with the outcome of an investigation and the resolution made, they should contact the Area Relationship Team representative- for HIT and C2C the Chatham address is the address to write to for all HIT/C2C locations

The complaint should be referred to the Agency within three months of the provider's (HIT/C2C) decision. This is normally three months from when the provider's complaints procedure has been exhausted and the provider cannot investigate further.

The reason for this is that it can be difficult to investigate complaints fairly where a long period has passed since the events complained about took place.

What the Agency will do?

The Area Relationship Team will typically ask the complainant to put the complaint in writing, an email or fax. If the complainant has difficulty providing details in writing, the Area Relationship Team will consider alternative ways of receiving the information.

In most cases, the Area Relationship Team will need to identify the complainant to the provider. This will help greatly in investigating an individual complaint. They will check with the complainant before doing so, but it can be difficult to investigate a personal complaint without revealing the person's name.

The Area Relationship Team will encourage the complainant and the provider to reach an agreement on the complaint. If this is not possible, they will investigate the way in which the provider has dealt with the complaint and whether their conclusions are reasonable and justified.

If the complaint is justified, the Area Relationship Team may make recommendations to the provider to remedy any difficulties the complainant has suffered or to prevent the situation happening again. These recommendations will be followed up by the Area Relationship Team with the provider.

Allegations of irregularity or suspected fraud

The Chief Executive of the Agency has a team dedicated to investigating allegations of irregularities or suspected fraud by providers, called the Special Investigations Unit. Unlike complaints, it may not be possible for allegations of irregularity to have been raised with the provider before contacting the Chief Executive, and the agency does not expect anyone with these concerns to have done so.

The Special Investigations Unit will investigate allegations such as fraud, financial irregularity, and other malpractice where there is a public interest in the allegation being made.

Agency contact Area Relationship Team Skills Funding Agency 2nd Floor, The Observatory Brunel Chatham Maritime Kent ME4 4NT