

FORMAL COMPLAINTS PROCEDURE

- Regulations Governing the Formal Complaints Procedure of 'Beyond the Blue Ltd.' ('the company').
- Notes of Guidance for Candidates
- Useful telephone numbers
- Formal Complaints Form

FORMAL COMPLAINTS PROCEDURE

If your complaint has not been resolved using the Informal Complaints Procedure (see Notes of Guidance for Candidates (page 4) then you should fill in a 'Formal Complaints Form'. Please adhere to the time limits (Set out in the 'Time Scales Table' Attachment)

Before completing the form you may wish to consult with your tutor or course leader, your line manager or with an employee of the company.

This should be done as soon as possible after the incident giving rise to the complaint.

Please answer all questions and remember to sign the declaration at the end.

The completed form should be handed in (or sent), marked 'confidential complaint' to:

Complaints Manager
Beyond the Blue Training & Consultancy
92 Vegal Crescent
Englefield Green
Surrey TW20 0QF

You will be provided with an acknowledgement. You should enclose all documentary evidence. Retrospective complaints (more than 10 days after the incident) will not be accepted.

The form will be directed to the Complaints Manager of 'the company'.

Genuine complaints should receive an acknowledgement within 5 working days and a written response within 3 weeks

REGULATIONS

[Regulations governing the company Formal Complaints Procedure, approved by the Director on 12th January 2016] (These Regulations should be read in conjunction with the Notes of Guidance for Learners)

INTRODUCTION

These regulations deal with general complaints by learners. The company welcomes comments and suggestions for the improvement of its services, which should be addressed to the appropriate employee, for example the tutor, invigilator, business development manager etc. It is in this context, of a concern to maintain and improve the quality of its provision, that the complaints procedure resides.

A complaint may be made over any specific concern about the provision of a programme of training or related services or may relate to a concern about a non-academic service. If a complaint is made to the police at the same time that the complaints procedure is used, or if other legal action takes place, no investigation will be undertaken by the company at this stage. The company will respond within a given timescale (see chart) to complaints and will take appropriate action as required, if the complaint is substantiated. Complaints by candidates which allege sexual or racial harassment will be investigated in accordance with the company disciplinary procedures, although more general complaints of sexual or racial or disability discrimination will be investigated through the complaints procedure.

Circumstances which are unexpected, significantly disruptive and beyond a learner's control, which may have affected his/her academic performance, will be investigated in accordance with the regulations relating to the awarding body's complaints procedures regarding student claims of extenuating circumstances affecting performance. Appeals by learners against the decision of a progression and award board on the grounds of a material administrative error or because the examinations were not conducted in accordance with current regulations will be investigated in accordance with the awarding body's complaints procedures.

Learners concerns which affect the whole of the group should be raised directly to the Complaint Manager.

INFORMAL STAGE

1. Learners must endeavour to use the informal stage of the complaints procedure before embarking on the Formal Complaints Process. There will be confidentiality at the point of making a complaint. This should occur as soon as possible after the event or problem has occurred (no later than 48 hours after the problem occurred).
2. Only if there is no satisfactory outcome using the informal process, should the complainant use the formal procedure.

FORMAL STAGE

1. Formal complaints should not be retrospective (i.e. more than 10 days after the problem occurred) and should be accompanied by documentary evidence where appropriate.
2. A formal complaint should be made using the company's 'Formal Complaints Form'. A copy of the form can be obtained from the tutor, the website or directly from the company.
3. The form should be completed and signed and sent marked 'confidential complaint' to:

Complaints Manager

Beyond the Blue Training & Consultancy
92 Vegal Crescent
Englefield Green
Surrey TW20 0QF

4. It should include documentary evidence. The complaint form will be forwarded to the Complaints Manager. You will receive an acknowledgement within 5 days.
5. Following a consultation, an investigation may occur and the complainant may be interviewed.
6. If a complaint is directed at a named employee or tutor he / she / they should be advised in detail of the terms of the complaint by the person considering it, invited to respond, and advised of the outcome at the appropriate time. The complainant will be informed that this is taking place. Where the investigation of a complaint gives rise to a formal investigation under the company's employee disciplinary procedure the employee(s) concerned will be advised of their rights under that procedure.
7. A written response to the complaint will be sent to the complainant normally within three weeks. Should there be aspects of the complaint that are upheld then an acknowledgement of any mistake should be given and an apology made at this stage. Consultations with the relevant employees will take place relating to the written response

COMPLAINT APPEAL

1. In circumstances where the complaint is not satisfactorily resolved, all documentation should be sent to the Director of the company to review the procedures used.

COMPLAINTS MANAGER

1. An unresolved complaint will be put to the Director of the company within 5 working days. The Director's response should be received within one calendar month. The Director will ensure that procedures have been correctly followed. In cases of racial, sexual or disability discrimination, then advice from an Equal Opportunities Advisor or the Disability & Dyslexia advisers will be sought.
2. The Director will decide whether a formal complaint is well-founded and should be referred back to the Complaints Manager or if appropriate put to the awarding body. The decision of the Director is final.

3. The complainant has the right to appeal in writing to the Director and it may be accompanied by a signed witness statement to:

Director
Beyond the Blue Training & Consultancy
92 Vegal Crescent
Englefield Green
Surrey TW20 0QF

The complainant may request any person to give a witness statement on his or her behalf. The Director will consider his decision in private. Employees named in a complaint will also be invited to make their cases to the Director, should they so wish.

4. If the complaint is upheld then the Director will decide on the means to redress the complaint. If the complaint is not upheld then there will be no further right of appeal.
5. The Complaints Manager will notify the candidate concerned of the decision of the Director in writing to his or her last known address within ten working days of the Complaints Manager's decision. Consultations with the Director, will take place regarding the contents of the letter to be sent to the complainant relating to the decisions and outcomes of the appeal.
6. The company will retain the records of the complaints, together with all relevant information for 7 years at which point all documents will be destroyed. All files will be retained in line with the Data Protection Act.

NOTES OF GUIDANCE FOR STUDENTS

UNDERLYING PRINCIPLES

1. The principles underlying the management of the complaints procedure are:
 - confidentiality at the informal stage
 - accessibility of information
 - clarity of procedure
 - a staged approach with specified times and an informal and formal stage
 - advice and support in using the procedure
 - stated response times
 - resolution at local level wherever possible
 - entitlement to have a well-founded and documented formal complaint which is not satisfactorily resolved, heard by the Director of the company
 - every effort made by the company to prevent victimisation of a candidate who has made a complaint
 - annual monitoring of the complaints procedure

WHEN TO USE THE COMPLAINTS PROCEDURE

1. The complaints procedure is designed to help you take up problems or complaints and to obtain a speedy response from the company to resolve your complaints. Employees have been involved with the setting up of this procedure. They will provide advice and guidance in relation to the procedure.
2. As a candidate you may face a whole range of situations which demand your active problem solving skills. Most of the time you will be able to find solutions and this may involve talking to an employee of the company or seeking specialist advice from a member of staff. Many issues are dealt with at meetings with trainers or informally with other employees of the company. **The formal complaints procedure route should be used only when you have exhausted all other strategies for dealing with problem situations.**
3. An academic appeal submitted on the grounds of material administrative error or because the examinations were not conducted in accordance with the awarding body's regulations, will be investigated in accordance with the company's 'Appeal Procedures'. Circumstances which are unexpected, significantly disruptive and beyond a candidate's control and which may have affected his / her academic performance should be submitted and will be investigated in accordance with the company's Appeals Procedure. Complaints which allege sexual or racial harassment will be investigated in accordance with the company's 'Equal Opportunities Policy and Procedures' and 'Disciplinary Policy'.
4. If you make a complaint to the police or take other legal action at the same time that you use this procedure, then no investigation by 'the company' using this procedure will be undertaken at this stage and until such time as the legal proceedings have been completed.
5. The stages of the student complaints procedure are designed to provide a response to your complaint at the earliest feasible opportunity.
6. When you are following this procedure it is important to keep a note of the discussions you have at each stage and the dates on which they take place. Also keep copies of relevant documents. You may also wish to have the support of a friend, who could accompany you to meetings when you discuss your complaint.

INFORMAL STAGE OF COMPLAINT

1. No later than 48 hours after the initial concern/incident
2. Initially try to discuss the matter with the person directly involved. If it is not possible to do so at this stage or your discussion does not lead to a satisfactory outcome then take the issue to one or more of the following appropriate contacts:
 - Your Trainer or Invigilator
 - The Complaints Manager
 - The Director of the company
3. Having talked your complaint through in a confidential manner. If there is still not a satisfactory outcome then you should use the Formal Procedure.

FORMAL STAGE OF COMPLAINT

1. No later than 10 days after the initial concern/ incident
2. A formal complaint is made using the 'Formal Complaints Form'. Before completing this, you may wish to consult with your trainer or invigilator, your line manager, the Complaints Manager or the Director of the company. Formal complaints should not be made retrospectively (i.e. more than ten days after an incident) and should be fully documented. Forms are available from your trainer, the website and directly from the company.
3. At this stage the complainant may be interviewed by the Complaints Manager.
4. Following the interview (and within three weeks) the complainant will receive a written response concerning all aspects of the complaint.

APPEAL PROCEDURE

1. In circumstances where a complaint remains unresolved, you should write within ten working days to the Director, indicating that you have been through all the stages of the complaints procedure without resolving your complaint, and now wish to put your complaint to the Director. Following a review of procedures a response should be received within one calendar month. The Director's response is final
2. In respect of BIIAB qualifications, candidates may refer any unresolved complaint to the relevant Qualifications Regulator:
 - England & Northern Ireland - Ofqual (office of the Qualifications & Examinations Regulator; info@ofqual.gov.uk)
 - Wales - Qualification Wales; enquiries@qualificationswales.org
 - Scotland - SQA Accreditation accreditation@sqa.org.uk
3. Beyond the Blue Limited is committed to the provision of high standards in all of its services and teaching. The 'Formal Complaints Form' should be completed when you wish to make a formal complaint about the failure to meet these standards.

It is important that you first follow the informal complaints procedure.

FORMAL COMPLAINTS TIME SCALES

1. Issue of Concern. Student wishes to make a formal complaint.
2. **Action** - Obtain advice from your trainer, invigilator or the Complaints Manager (CM) of Beyond the Blue Ltd. (BTB)
 - **Time Scale** - Within 48 Hours of Issue of Concern (Point 1)
3. **Action** - Make an informal complaint to the appropriate BTB employee
 - **Time Scale** - Within 48 Hours of Point 2
4. **Action** - If no response is received or the complaint is not resolved use the Formal Complaints Procedure by completing and submitting a 'Formal Complaints Form'.
 - **Time Scale** - Within 10 Days of Point 2 or 3
5. **Action** - Complete the Formal Complaints Form and submit it to the CM of BTB. You will receive an acknowledgement.
 - **Time Scale** - Within 10 days of initial issue of concern (Point 1)
6. **Action** - Candidate to receive acknowledgement letter from CM
 - **Time Scale** - Within 5 working days of Point 5
7. **Action** - CM will start investigations and consultation process regarding complaint.
 - **Time Scale** - Within 5 working days of Point 5
8. **Action** - Written response from the CM
 - **Time Scale** - Within Three weeks of Point 5
9. **Action** - If matter is unresolved or response is unsatisfactory, complaint should be forwarded to the Director of the company.
 - **Time Scale** - Within 5 Working Days of Point 8
10. **Action** - Written response from the Director of the company in regard to their findings
 - **Time Scale** - Within 1 Calendar Month of Point 9
11. **Action** - If the complaint is upheld, the CM will respond as appropriate.
 - **Time Scale** - Within 5 working days of Point 10

-END-

Updated – January 2017 – Peter Mayhew