

Complaints Policy and Procedure



Education & Skills
Funding Agency

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Policy Statement

This policy and procedures have been developed to support Arena Learning Limited. Its purpose is the recognition that all users of Arena Learning Limited's services have a right to raise complaints and to have problems investigated and appropriately acted upon. Arena Learning Limited welcomes and encourages feedback from students and members of the public to enable continuous improvement of our services. Where complaints occur, Arena Learning Limited makes every effort to resolve them quickly at the most appropriate level.

Aims and Objectives

This policy applies to all complaints from enrolled students and applicants for places, parents/carers of students under 18, employers and other users of Arena Learning Limited services and facilities.

Any expressed dissatisfaction with the following will be treated as a complaint:

- Failure by the Arena Learning Limited to meet obligations including those outlined in course/student handbooks
- Concerns about the delivery of a course, quality of teaching or administration
- The quality of facilities, learning resources or services provided directly by Arena Learning Limited
- Complaints involving other organisations or contractors providing services on behalf of the Arena Learning Limited.

Policy Statement

1. The Policy does not cover complaints about academic assessment i.e. grades and marks which are covered by the Academic Appeals procedure.
2. Staff complaints will be resolved using the Arena Learning Limited's Staff Grievance Procedures.
3. Complaints which are deemed to fall into any of the categories listed below will not be considered under the scope of this policy and procedure.
 - Anonymous
 - Already been investigated and disposed of
 - Outside the scope of the procedure
 - Made without disclosing adequate grounds
 - Made outside the time limit
 - Been disposed of in court or tribunal proceedings brought by the complainant or under settlement agreement between the complainant and the Arena Learning Limited
 - Are malicious, vexatious or frivolous

If a student is found to have made a malicious complaint, this could lead to disciplinary action being taken. It is anticipated that the majority of complaints will be resolved satisfactorily on an informal basis and close to their point of origin. If it is apparent that the complaint is of a general nature, it may be more appropriate for the matter to be taken up through the appropriate staff/student committee.

Legal Framework

The Education and Skills Funding Agency (ESFA) requires Arena Learning Limited to have a complaints procedure. The Complaints Policy and Procedure also supports the Arena Learning Limited's policy on Equality and Diversity.

Principles

- Whenever possible any concerns will be dealt with as soon as any member of the Arena Learning Limited staff is made aware of them.
- The Arena Learning Limited will only respond to formal complaints that have been raised within three months of the occurrence of the complaint.
- A formal complaint will be acknowledged within five working days of receipt by the Quality Manager.
- Arena Learning Limited Quality Manager will maintain a full record of complaints received and their outcome.
- Following the investigation a response will be sent to the complainant within 20 working days. Where more time is needed e.g. the complaint is complex or the Arena Learning Limited term breaks prevent the completion of the investigation, the complainant will be sent an interim letter outlining progress with the investigation and giving a date for the full response.
- Responses to complaints will include details on appeals. Valid appeals will usually be investigated and responded to within 20 working days.
- Although Arena Learning Limited staff cannot make a complaint on behalf of a student, they will assist in recording a complaint. The Student Support Services Team and personal Tutors will, on request, provide support for enrolled students in presenting a complaint.

Arena Learning Limited Responsibility

- All staff are responsible for ensuring that complaints are dealt with in a supportive, courteous and timely manner.
- Complaints will usually be investigated by the manager responsible for the provision, service, procedure or facility about which the complaint is made.
- A complainant has the right of appeal against the response to his/her complaint (see appeals).
- The HR Manager will investigate and respond to valid appeals by the complainant.

Complainant Responsibility

- Complainants are expected to bring their complaint to the Arena Learning Limiteds attention within one of the reason for the complaint occurring.
- To facilitate the investigation the complainant should explain the problem as clearly and as fully as possible (such as including names, times, dates) and include any action taken to date.
- Complainants must recognise that in some circumstances are beyond the control of the Arena Learning Limited which will impact on the final outcome of any complaint.

The Procedure

Stage 1 (Informal)

- The complainant should raise their concerns with the member of staff who has direct responsibility for the matter in question to try to achieve a satisfactory resolution.
- If the complainant is unable to raise their concern with the staff who has direct responsibility, then the complaint should be made to the Lead Tutor who should try to achieve a satisfactory resolution
- If the complainant does not feel that their concerns have been addressed by the member of staff within the organisation, then they should make a formal complaint to the Arena Learning Limited Quality Manager.
- The complaint may involve the Quality Manager, in such cases it is reasonable to progress directly to stage 2.

Stage 2 (Formal) should the learner remain dissatisfied:

- On receipt of a formal complaint, the Arena Learning Limited Quality Manager will log the complaint using the Arena Learning Limited Complaint Report Log and acknowledge its receipt within 5 working days.
- If a Arena Learning Limited receives a formal complaint in writing they must add the date when it was received before passing the communication immediately to the Arena Learning Limited Quality Manager who will log it and acknowledge its receipt to the complainant.
- The Arena Learning Limited Quality Manager will then appoint an appropriate investigating manager who will conduct a full investigation and this will normally be the relevant Head of Centre. However, if that person has already had some involvement with the issue, another Head of Department will be appointed to conduct the investigation.
- The Arena Learning Limited Quality Manager will advise that the learner can escalate their complaint to the Awarding Organisation and further to the relevant Qualification Regulator.
- Within 15 working days of receiving a complaint from the Arena Learning Limited Quality Manager, the investigating manager will provide the Arena Learning Limited Quality Manager with the results of the investigation and a signed letter of reply for the complainant detailing the outcome and actions arising from the investigation.
- In highly exceptional cases where the investigating manager is unable to meet the above timescale, the investigating manager will inform the Arena Learning Limited Quality Manager, who, in turn, will communicate this to the complainant and the HR Manager.
- The Arena Learning Limited Quality Manager will advise the HR Manager & Quality of any investigations where a complaint has not been fully resolved.

Appeals

The complainant has the right of appeal against the response to his/her complaint. The appeal may only be made on one or more of the following grounds:

- That there is additional evidence that could not have been made available at the time the original complaint was considered.
- Proper procedure was not followed.

Appeals Procedure

- The complainant should make their appeal in writing to the HR Manager within 15 days of the date of the letter outlining the outcomes of the investigation.
- The letter of appeal should clearly state the grounds of appeal (see above).
- Any appeals which do not include this information will not be considered.
- The HR Manager will review the investigation and provide a written response to the complainant usually within 20 working days.
- If the appeal is upheld, the Arena Learning Limited will apologise and make clear the actions taken to address the issue. If the appeal is not upheld, the response will detail the findings of the appeal process.
- Both the appeal and the response will be copied to the Arena Learning Limited Quality Manager.
- In exceptional circumstances, the Head of Centre and SMT will convene a panel. This would only occur where significant new evidence has been received.
- It is the responsibility of the HR Manager to convene the appeal panel which will consist of a member of the Senior Leadership Team and another senior manager.
- The HR Manager agrees a date for the appeal hearing and confirms the details in writing to the complainant. The appeal panel meeting is usually arranged within 20 working days of the receipt of the grounds for appeal.
- The complainant will be offered the opportunity to be accompanied by a friend or a representative (who may not be a practising solicitor or barrister).
- The appeal panel considers the matters identified in the grounds for appeal and may uphold, amend or overturn the original decision of the Arena Learning Limited.
- The record of the decision of the appeal panel will be provided within 10 working days of the panel meeting.
- There is no further right of appeal within the Arena Learning Limiteds procedures.
- Complainants can contact the relevant external funding agency if they feel the Arena Learning Limited has not dealt with the complaint according to this procedure.

Monitoring

- An annual report to the Governors will provide an analysis of complaints and the action which the Arena Learning Limited has taken as a result of them.
- The monitoring process will be used to ensure that all complainants are treated fairly and equally.
- The Arena Learning Limited will collect and analyse the following information on complainants (where available) to identify differences between groups and to allow issues to be identified and addressed:
 - Age
 - Gender
 - Ethnic origin
 - Disability
 - Course and mode of study

Age, gender, ethnic origin, course and mode of study will be identified through the Arena Learning Limited Information System. In order to identify disability, a full list of the learner ID numbers of complainants will be sent to the Head of Service – Learner Support, S/he will provide an anonymous analysis by disability, learning difficulty and/or medical condition.

Review

This policy will be reviewed every year by the Arena Learning Limiteds Senior Leadership Team.

Breach of the Policy

The Arena Learning Limited will take seriously any instances of non-adherence to the Arena Learning Limiteds policy by its staff. Where appropriate, instances may be referred to the Arena Learning Limiteds disciplinary procedure.

Access to the Policy

The Policy will be published on the Arena Learning Limited website, OneFile and available to students and members of the public on request. The Policy and Procedures will be available in large print format or by email within 5 working days by request to the Quality Manager. The address of the Arena Learning Limited Quality Manager is:

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