

Complaints, Appeals & Whistleblowing Policy

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Notes	

1. Aims and Scope

HBXL Group recognise there may be times when misunderstandings arise, learners are concerned about aspects of their progress or they may be unhappy about a particular event or activity which has taken place. In any event, it is important that learners do not keep a problem or concern to themselves but approach the HBXL Skills Academy.

This policy deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. It is helpful when staff resolve issues on the spot. This may include apologising where necessary.

At HBXL Group, we believe it is important that learners are clear about the procedures to be followed in making a complaint. We also believe that learners should feel assured that any complaint will be dealt with sympathetically and speedily. The formal procedures below will need to be invoked when initial attempts to resolve the issue are unsuccessful and the learner or HBXL Group consider that the issue should be dealt with on a formal basis.

This policy applies to any matter which has been raised with HBXL Group by learners. Any complaint received from a person who is not a learner at the HBXL Skills Academy will receive a response from the Skills Academy Lead (or Chairman if the complaint is a Academy bout the Skills Academy Lead) within 2 weeks and that will conclude the process.

This policy also sets out how staff and learners can disclose information in the public interest, in a process known as “whistleblowing”. You may need to make a whistleblowing disclosure to the DfE if you believe a criminal offence, breach of legal obligation or issue of other public interest has occurred or is likely to occur.

2. Framework of Principles

Our Complaints Procedure:

- encourages resolution of problems by informal means wherever possible;
- is easily accessible and publicised;
- is simple to understand and use;
- is impartial;
- is non-adversarial;

- allows swift handling within agreed time-limits for action and keeping people informed of progress;
- ensures a full and fair investigation;
- respect people's desire for confidentiality;
- addresses all the points at issue and provide an effective response and appropriate redress, where necessary;
- provides information to the senior management team so that services can be improved.

3. Complaints Procedure

Staff will follow the Complaints Handling Procedure Flowchart (Appendix 1) to resolve complaints. The process is explained in more detail below.

Step 1- Informal Resolution with Tutor or Learning Engagement Manager

Before making a complaint, we would suggest that you are clear about your concern and also that you discuss it with an appropriate member of staff.

The first point of contact for a specific concern should always be the appropriate tutor. If you are not sure who is most appropriate, you can ask the Learner Engagement Manager for guidance.

Learner Engagement Manager - Shannyn Sachse-Lee

Shannyn.sachse@hbxl.co.uk

It is preferable if you can agree on a time and place to discuss your concerns in peace and quiet rather than at a time when other learners are present. This could be a telephone conversation at an agreed time.

We would expect most problems to be sorted out in this informal way by a frank and open discussion, free from distraction. This stage of the procedure should, where possible, be completed within two working days.

It is a precondition to the operation of this policy that you shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way.

Informal Discussions with Senior Members of staff

If the matter is not resolved by discussing with a tutor, you may make an appointment to informally discuss the matter with the Skills Academy Lead. The Skills Academy Lead may ask another senior member of staff to deal with the complaint if he or she thinks this is appropriate.

This step should, where possible, be completed within five working days.

Step 2 – Formal Investigation by Skills Academy Lead

If, following your informal discussions, you wish an investigation to be undertaken by the HBXL Skills Academy, you should put your concerns in writing to the Skills Academy Lead, Joanna Mulgrew via joanna.mulgrew@hbxl.co.uk.

You should state the outcome which you feel would satisfy your complaint. The Skills Academy Lead will undertake a full investigation which may require a further meeting with you or may require you to supply additional written information. A written reply will be sent to you following the investigation. This will, where possible, be completed within five working days.

For complaints against the Skills Academy Lead, please note the process to follow is set out at the end of this policy.

Step 3 – Complain to Department for Education

If you are still dissatisfied of the outcome of the Skills Academy Lead’s investigation, you can complain directly to the Department for Education:

<https://customerhelpportal.education.gov.uk/>

Points to note:

Complaints Involving the Skills Academy Lead

If your complaint involves the Skills Academy Lead, Step 1 is fulfilled by you having direct discussions with the Skills Academy Lead. Where it is not possible to resolve the complaint through such informal discussions, you should set out your formal complaint in writing and send it to the HBXL Chairman. Please ensure you send a copy of your complaint to the Skills Academy Lead. Where the complaint involves the Skills Academy Lead, the investigation at Step 2 will be carried out by the Chairman.

If your complaint could involve disciplinary action against a member of staff, the Chairman will follow the HBXL Group disciplinary procedures. If this situation arises, subject to the HBXL’s data protection obligations, the Chairman will inform you of the procedures to be followed. However, the complaint process will still be followed in respect of the complaint raised.

Vexatious Complaints

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Skills Academy Lead is able under this policy to inform them in writing that the procedure has been exhausted and that the matter is now closed.

In addition, complaints with the following characteristics may be deemed to be vexatious:

- obsessive, persistent, harassing,
- prolific, repetitious.
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- insistence upon pursuing meritorious complaints in an unreasonable manner.
- complaints which are designed to cause disruption or annoyance.
- demands for redress that lack any serious purpose or value.

Where this decision has been made on the basis of behaviour (bullet point 1), the Skills Academy Lead will advise the complainant that HBXL Group will not deal with the matter further until such time as the complainant is able to advance the complaint in a courteous manner.

In all other cases, the Skills Academy Lead may write to the complainant to inform him/her that the complaint is deemed to be vexatious and that HBXL Group will not respond to any further correspondence on this issue or a closely related issue.

Complaint Campaigns

Where HBXL Group receives a number of complaints all based on the same subject which in its reasonable opinion may be deemed a ‘complaint campaign’ it will deal with the complaints in the following way. Individual responses will not be sent to complainants in such cases.

Anonymous Complaints

Whilst we respect the complainant’s right to confidentiality, we will not consider anonymous complaints.

Time Limits

It is best if complaints are made quickly once any informal procedures have been exhausted. Save in exceptional circumstances, at the absolute discretion of HBXL Group, no complaint will be considered if it is made more than eight weeks after the event.

Record Keeping

During the informal stages, it is helpful if the member of staff records a brief note of what was discussed and agreed.

A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at step 2, or 3. The action taken by HBXL Group as a result of a complaint (regardless of whether they are upheld) will also be recorded.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

4. Appeals

The HBXL Skills Academy delivers quality assured training programmes employing the RARPA (Recognising and Recording Progress and Achievement) framework. Attendance, progress and achievement are assessed and recorded in order to support learners' development. Verbal and written feedback on homework and portfolio submissions are provided at various stages of our courses, including on course completion. The HBXL Skills Academy is committed to providing fair formative and summative assessment of, and constructive feedback on, all learners' work. Our courses do not result in a final grading, pass/fail or qualification. A record of attendance is kept for all learners and course attendance certificates are awarded at the end of each course, detailing attendance at each module.

As there are no academic awards associated with our courses, there is no requirement for an appeals process. However, if you would like to query any assessment feedback or your attendance record, follow the complaints procedure outlined in part 3 of this policy, starting with the informal resolution approach of contacting your tutor or Learning Engagement Manager.

5. Whistleblowing

Whistleblowing is designed to ensure staff or learners can raise concerns about wrongdoing or malpractice without fear of reprisal including victimisation, discrimination, or dismissal.

Definition

According to gov.uk, "Whistleblowing is the disclosure of information which, in the reasonable belief of the whistleblower, is made in the public interest. Whistleblowing disclosures tend to show that one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence (this may include, for example, types of financial impropriety such as fraud)
- a breach of a legal obligation
- a miscarriage of justice
- danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of wrongdoing in the above categories."

Raising awareness of whistleblowing process

All staff are required to read the HBXL Complaints, Appeals and Whistleblowing Policy as part of their induction programme. Thereafter, all staff will be expected to revisit the Complaints on an annual basis, along with other Skills Academy policies, to ensure they understand the process for raising concerns about a public interest matter.

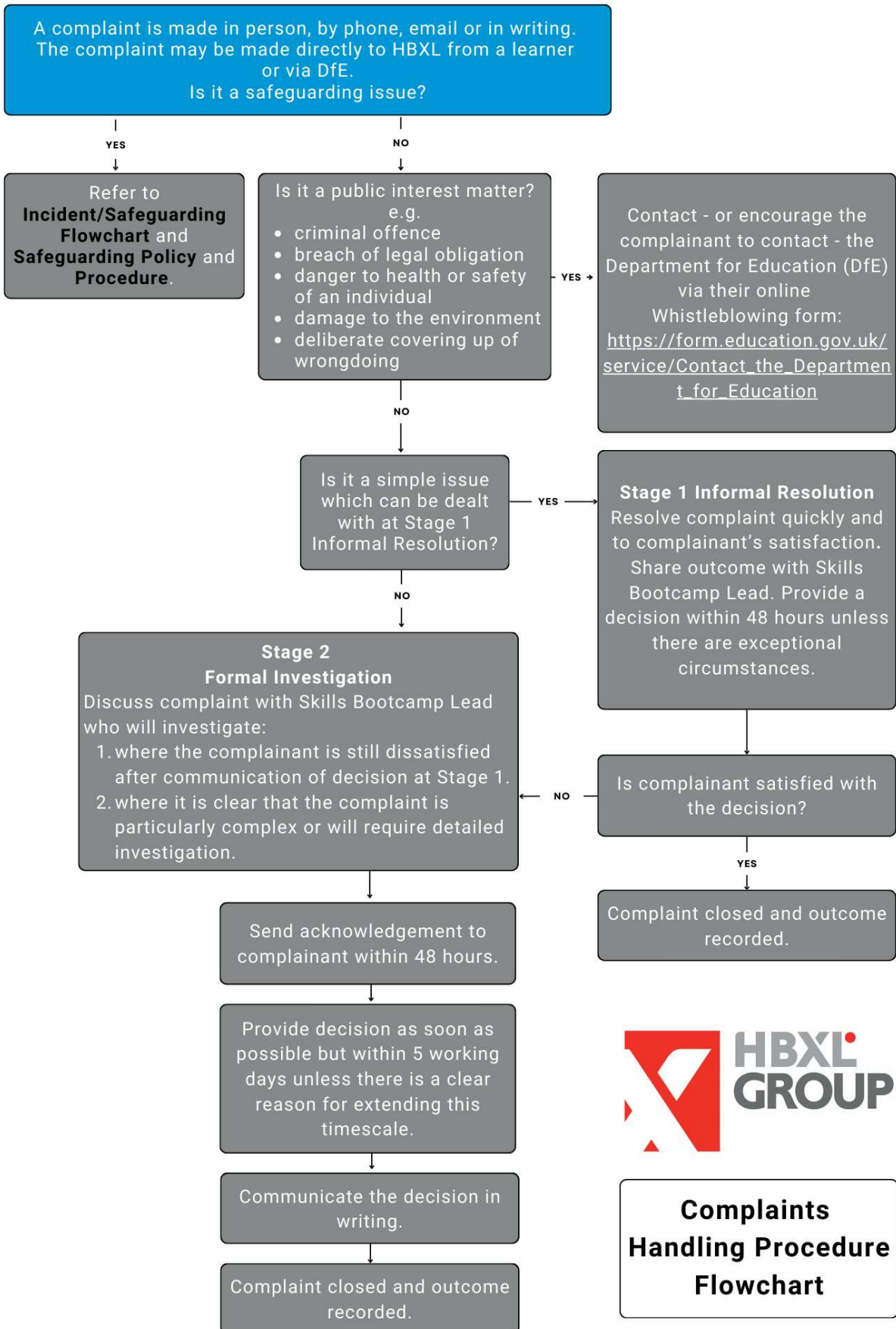
The whistleblowing process is outlined to learners in our Learner Handbook which is distributed to learners at the outset of their course.

How to make a whistleblowing disclosure

Whistleblowing involves contacting the Department for Education (DfE) via an online form. You have the option to remain anonymous.

1. Open the DfE's online form:
[https://form.education.gov.uk/service/Contact the Department for Education](https://form.education.gov.uk/service/Contact%20the%20Department%20for%20Education)
2. Select the option to submit a "disclosure in the public interest (including whistleblowing)".
3. Whistleblowing disclosures for Skills Bootcamps must be clearly marked as "Skills Bootcamps" in the "What would you like to disclose?" box. For CITB training, mark the disclosure as "CITB training". For other types of training, ensure the training type is included in the disclosure.
4. Complete the online form. Disclosures will be escalated to the relevant policy team.

Appendix 1: Complaints Handling Procedure Flowchart



**Complaints
Handling Procedure
Flowchart**