Complaints, Appeals & Whistleblowing Policy

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Notes	This document should be used in conjunction with the: Adult Safeguarding Policy Adult Safeguarding Procedure

Aims and Scope

HBXL Group recognises that there may be times when misunderstandings arise or an individual may be unhappy about a particular event or activity which has taken place. In any event, it is important that the individual does not keep the problem or concern to themselves but approach the HBXL Skills Academy.

Safeguarding concerns should be reported immediately via HBXL's Safeguarding Procedure, and not through the procedures detailed in this policy. This policy deals with complaints. 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. For example, a simple apology may be sufficient to resolve the issue.

At HBXL Group, we believe it is important that staff, learners, volunteers, external speakers and other visitors, such as alumni, are clear about the procedures to be followed when making a complaint. We also believe that the individual 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 individual 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 staff, learners, volunteers, external speakers and other visitors. 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 about the Skills Academy Lead) within 2 weeks.

This policy also sets out how staff, learners, volunteers, external speakers and other visitors 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.

Framework of Principles

The HBXL Skills Academy commits to:

- Treating all complaints and disclosures seriously
- Ensuring the Complaints procedure is easily accessible, simple to understand and use
- Ensuring the Complaints procedure is impartial and non-adversarial

- Ensuring confidentiality wherever possible
- Protecting individuals from victimisation or detriment, when a complaint is made in good faith
- Providing clear timescales and communication
- Ensuring a full and fair investigation
- Addressing all the points at issue and provide an effective response and appropriate redress, where necessary
- Ensuring accessibility for all learners, including those with SEND or language needs
- Recording and monitoring complaints to identify themes and improvements.

Section A: Complaints

What Constitutes a Complaint

A complaint is any expression of dissatisfaction about:

- The quality of teaching, assessment or support
- Behaviour or conduct of staff, learners, subcontractors or visitors
- Administrative processes
- Facilities, resources or learning environment
- Equality, discrimination or harassment concerns
- Any aspect of the HBXL Skills Academy's operations.

Complaints may be made by learners, employers, or third parties acting with consent.

Anonymous complaints will be considered where sufficient information is provided to investigate.

Support for Complainants

The HBXL Skills Academy will ensure:

- Access to support (e.g., a trusted staff member, interpreter, advocate)
- Adjustments for learners with SEND or mental health needs
- Clear communication throughout the process.

Complaints Procedure

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

Stage 1- Informal Resolution with Tutor

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 relevant tutor. If you are not sure who is most appropriate, you can ask the Learner Engagement Manager for guidance. See Learner Engagement Manager contact details in Appendix 2.

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. A written summary of the agreed outcome will be provided if requested.

Complainants are normally expected to have made reasonable attempts to seek an informal resolution and to have acted in relation to the matter in a reasonable and measured way. This does not apply where the complaint is serious in nature (e.g. safeguarding, harassment, or where informal resolution is inappropriate).

Informal Discussions with Senior Members of staff

If the matter is not resolved through discussion 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.

Stage 2 – Formal Investigation by Skills Academy Lead

If, following your informal discussions, you wish a formal investigation to be undertaken by the HBXL Skills Academy, you should put your concerns in writing to the Skills Academy Lead (see contact details in Appendix 2). The Skills Academy Lead will acknowledge receipt of the complaint within 2 working days.

You should state the outcome which you feel would satisfy your complaint. The Skills Academy Lead will undertake, or appoint an impartial investigator to undertake, a full investigation, gathering evidence and interviewing relevant parties. This may require a further meeting with you or may require you to supply additional written information. A written outcome, including findings, decisions and any actions, will be sent to you following the investigation. This will, where possible, be completed within five working days. If you are dissatisfied with the outcome, you may request an appeal.

For complaints against the Skills Academy Lead, please note the process to follow is set out below.

Complaints Involving the Skills Academy Lead

If your complaint involves the Skills Academy Lead, Stage 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 (see Appendix 2). 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 Stage 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 or Malicious Complaints

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
- complaints which contain knowingly false information.

Before applying this designation:

- A written warning will be issued

- An independent manager will review the case
- The complainant will be informed of their right to challenge the decision.

This procedure should limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures being 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.

Where this decision has been made on the basis of behaviour, 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', a single consolidated response may be issued.

Time Limits

It is best if complaints are made quickly once any informal procedures have been exhausted. A complaint will not be considered if it is made more than eight weeks after the event, unless there are exceptional circumstances, such as learner vulnerability, mental health issues or complexity to the complaint. Any exception will be made at the discretion of HBXL Group.

Record Keeping

The staff member dealing with the complaint must complete an HBXL Complaint Report Form (see Appendix 3). A Word document version of the HBXL Complaint Report Form can be found in the Learner Management System (One Drive) within:

1. Skills Academy General > 3. Complaint > 1. Start Here for Complaint

If not completed by the Skills Academy Lead, the form should be shared with the Skills Academy Lead without delay. The staff member must be mindful of the need to be confidential at all times.

The HBXL Complaint Report Form forms a secure written record of all complaints that are resolved at the informal or formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at Stage 1, 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.

System for storing information

The Complaint Report Form and any other evidence (emails, messages) should be stored securely. The information should be shared only with those who need to know it, to take appropriate action.

The staff member dealing with the complaint must follow the process below to store the information securely:

1. Once you have completed the Complaint Report Form document, password protect the document.
2. Save the password-protected Complaint Report Form in the Learner Management System (One Drive) within:
   1. Skills Academy General > 3. Complaint > 2. Individual Complaint Records

3. Notify the Skills Academy Lead via email that the report has been placed in the folder and provide the password for the document.

The Skills Academy Lead will move and store the records in a secure Complaints folder within the Learner Management System.

Complaint records will be stored chronologically and in a separate folder for each individual. Records will only be stored for as long as necessary. Records will be retained in line with GDPR and HBXL Group's data retention schedules.

Confidentiality

Correspondence, statements and records relating to individual complaints will be kept confidential unless:

- required by law
- necessary for a fair investigation
- requested by the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008.

Section B: Appeals

Stage 3: Submitting an Appeal

An appeal may be submitted if the complainant believes:

- The procedure was not followed correctly
- The decision was unreasonable based on the evidence
- New, relevant evidence has emerged
- There was bias or conflict of interest.

Appeals must be submitted within 10 working days of the Stage 2 outcome. The appeal must state the grounds and provide supporting evidence.

Appeal Outcomes

An independent panel, with at least 2 members who have not been previously involved in the complaint and have no conflict of interest, will convene to review the complaint and may:

- Uphold the original decision
- Overturn the decision
- Recommend further investigation
- Propose alternative actions.

The decision will be issued within 10 working days and will be communicated to the complainant in writing. The decision of the panel is final.

Stage 4: External Escalation

If you are still dissatisfied following the outcome of the appeal, you can complain directly to the Department for Education:

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

This is the final stage of the process.

Academic 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 HBXL Skills Academy courses, there is no formal academic appeals process. However, if you have a concern regarding assessment feedback or your attendance record, this should be raised through the complaints procedure outlined in Section A of this policy, beginning at the informal resolution stage, by contacting your tutor.

Where courses lead to external qualifications, these are assessed and moderated by the relevant awarding organisations (for example, PeopleCert for PRINCE2 accreditation and CITB for SSSTS). Any appeals relating to these qualifications must be made directly to the awarding organisation in accordance with their appeals procedures. HBXL Skills Academy will support learners where possible, including providing signposting to the relevant appeals process.

Section C: Whistleblowing

Whistleblowing is designed to ensure that staff, learners, volunteers, external speakers and other visitors, such as alumni, 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."

A whistleblowing concern is distinct from a personal complaint or grievance.

Protection Under the Public Interest Disclosure Act (PIDA)

The HBXL Skills Academy will:

- Protect whistleblowers from dismissal, detriment or victimisation
- Treat disclosures confidentially wherever possible
- Ensure disclosures are investigated promptly and fairly.

Raising awareness of the 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 policy 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 the Learner Handbook which is distributed to learners at the outset of their course.

How to make a whistleblowing disclosure

Disclosures may be made to:

- The Skills Academy Lead
- The Chairman

Investigation Process

The HBXL Skills Academy will:

- Acknowledge the disclosure within 2 working days.
- Assess the nature and urgency of the concern.
- Appoint an impartial investigator.
- Provide updates where appropriate.
- Conclude the investigation with a written summary (subject to confidentiality limits).

If the concern relates to senior leadership, the disclosure may be made directly to DfE.

Whistleblowing to DfE

You can make a whistleblowing disclosure to 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
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.

Confidentiality

The HBXL Skills Academy will protect the identity of the whistleblower unless:

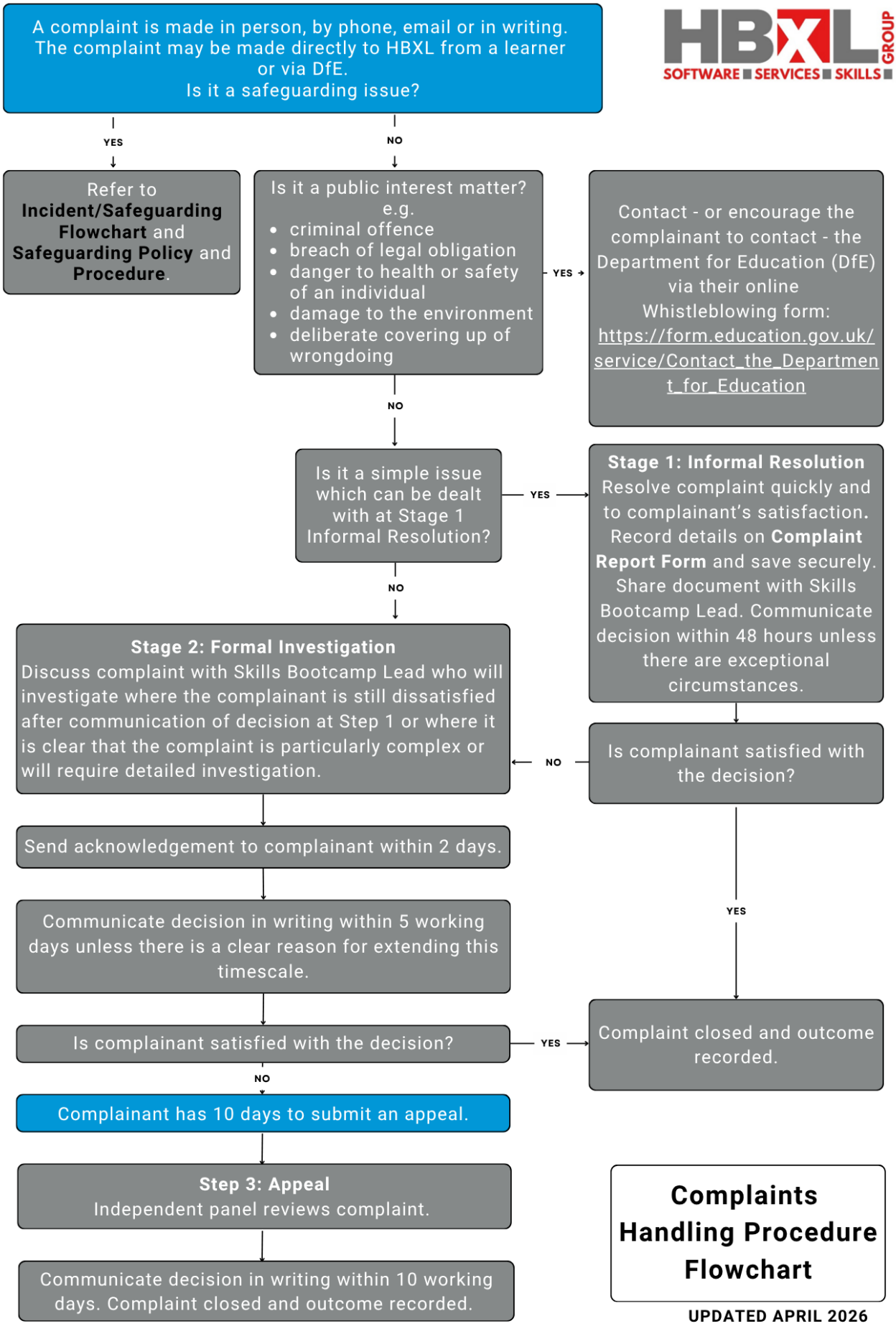
- Required by law.
- Necessary for a fair investigation.

Anonymous disclosures will be considered where sufficient information is provided.

Review

This policy will be reviewed at least every 2 years, or sooner if required by changes in legislation or regulatory guidance, or if significant issues arise.

Appendix 1: Complaints Handling Procedure Flowchart



Appendix 2: Contact Details

Learner Engagement Manager

Becki Allwood

Rebecca.allwood@hbxl.co.uk

Skills Academy Lead

Joanna Mulgrew

Joanna.mulgrew@hbxl.co.uk

Chairman

Adrian Wild

Adrian@hbxl.co.uk

Appendix 3: Complaint Report Form

Section 1: Staff Member Recording Complaint	
Full name of person recording complaint	
Role	

Section 2: Complainant Details	
Full Name	
Role	☐ Learner ☐ Staff ☐ Volunteer ☐ Employer ☐ Visitor ☐ Other (please specify):
Contact Email	
Contact Telephone	
Preferred Contact Method	☐ Email ☐ Phone ☐ Other:
Submitting on behalf of someone else?	☐ Yes ☐ No
Name (if applicable)	
Relationship	
Consent obtained to make complaint?	☐ Yes ☐ No
Additional SEND support or adjustments required?	☐ Yes ☐ No
Details of support/adjustments	

Section 3: Complaint	
Date of Incident/Event	
Date Complaint Submitted	
Location (if applicable)	
Person(s) involved	
Nature of Complaint	Tick all that apply ☐ Teaching, assessment or support ☐ Behaviour or conduct ☐ Administrative processes ☐ Facilities/resources/environment ☐ Equality, discrimination or harassment ☐ Other (please specify):
Complaint Details	
Desired Outcome	
Supporting Evidence	Tick and attach: ☐ Emails ☐ Screenshots ☐ Witness statements ☐ Other (please specify):

Section 4: Informal Resolution (Stage 1)	
Attempted informal resolution?	☐ Yes ☐ No
If no – reason informal resolution not appropriate	
If yes – who with?	
Date(s)	
Outcome	
Is complainant satisfied with outcome?	☐ Yes ☐ No
Requires escalation to stage 2?	☐ Yes ☐ No

TO BE COMPLETED BY SKILLS ACADEMY LEAD IF STAGE 2 FORMAL INVESTIGATION IS REQUIRED.

Section 5: Formal Investigation (Stage 2)	
Date received	
Acknowledged within 2 working days?	
Assigned Investigator	
Investigation Start Date	
Target Completion Date	
Investigation Summary	
Outcome	☐ Upheld ☐ Partially Upheld ☐ Not Upheld
Decision & Rationale	
Actions Taken	
Outcome communicated to complainant?	☐ Yes ☐ No
Date	
Method	☐ Email ☐ Letter ☐ Meeting

Section 6: Appeal (Stage 3)	
Appeal requested?	☐ Yes ☐ No
Date received	
Assigned Independent Panel	
Review Start Date	
Target Completion Date	
Outcome	
Decision & Rationale	
Actions Taken	
Outcome communicated to complainant?	☐ Yes ☐ No
Date	
Method	☐ Email ☐ Letter ☐ Meeting

Section 6: Record Keeping	
Complaint closed date	
Recorded in complaints log	☐ Yes ☐ No
Stored in line with GDPR	☐ Yes ☐ No