Complaints Policy & Procedure

The Spark Group

Introduction

At The Spark Group, we are committed to providing high quality training programmes, qualifications, services and support. We recognise that sometimes things may not meet expectations, and we welcome feedback and complaints, as an opportunity to put things right and improve our services.

We will treat all complaints seriously, fairly and respectfully. We will aim to resolve complaints as quickly as possible, while ensuring that they are properly investigated and that appropriate action is taken where a complaint is upheld.

This policy sets out how complaints can be raised and how The Spark Group will respond.

Scope

This policy applies to complaints about services provided by The Spark Group, including:

- The delivery, assessment or quality assurance of training and qualifications;
- The conduct of tutors, assessors, internal quality assurers or other staff;
- Customer service, administration, or communication;
- The facilities or learning environment;
- The way we have applied or followed our policies and procedures;
- Services provided to customers, employers, commissioners, partners or other organisations; and;
- Other operational matters relating to The Spark Group

Complaints may be made by learners, parents or carers, customers, employers, partners, commissioners, service users or other people directly affected by our services.

Where someone is making a complaint on behalf of another person, we may need to confirm that they have permission to do so, subject to appropriate safeguarding and data protection considerations.

Complaints and Appeals

A complaint is different from an appeal.

A complaint is normally about the quality, conduct or delivery of a service or about the way a process has been followed. For example:

- A concern about how a tutor or member of staff has behaved;
- Poor communication or administration;
- Concerns about the delivery of a programme;

- Concerns that a policy or procedure has not been followed; or
- Concerns about the quality of a service

An appeal is normally a request to review a formal decision, such as an assessment or examination result.

Where a learner disagrees with an assessment decision, examination result, reasonable adjustment decision or other formal qualification decision, this should normally be dealt with under the Appeals Policy, rather than through this Complaints Policy.

Where a complaint includes both a service complaint and an appeal, we will consider each matter under the appropriate procedure.

Raising a Complaint

We encourage concerns to be raised as soon as possible so that they can be investigated while the relevant information is available.

There is no absolute time limit for making a complaint. However, complaints should normally be raised within 20 working days of the issue occurring or becoming known.

We may consider a complaint raised after this period where there is a reasonable explanation for the delay or where it is otherwise appropriate to do so.

Complaints can be made verbally or in writing. Where a complaint is made verbally, we may ask the complainant to provide further information in writing or may make a written record of the complaint.

We will consider reasonable adjustments where a person requires additional support to make a complaint.

Step 1 - Informal Resolution

Where appropriate, we encourage concerns to be resolved informally in the first instance.

For concerns relating to training or qualifications, the complainant should normally speak to their tutor, assessor or internal quality assurer (IQA).

For concerns relating to administration, communication, customer service or other operational matters, the complainant should normally speak to the relevant member of staff or their line manager.

The person receiving the concern will seek to understand the issue and, where possible, resolve it promptly.

A person does not have to raise their concern informally where:

- They do not feel comfortable doing so;
- The matter is serious;
- The concern involves the person they would normally speak to; or
- Informal resolution would not be appropriate

In these circumstances, the complainant can proceed directly to the formal complaint process.

Step 2 - Formal Complaint

If the matter cannot be resolved informally, or it is not appropriate to deal with it informally, a formal complaint should be submitted to:

Debbie Sturridge, Business Manager
Email: debbie@thespark.group

The complaint should include, where possible:

- The complainants name and contact details;
- A clear description of the complaint;
- Relevant dates, locations and people involved;
- Details of any steps already taken to resolve the issue;
- Copies of any relevant evidence of supporting documents; and
- The outcome or action the complainant would like to see

A complainant does not need to provide all of this information for us to consider their complaint. We will help to clarify the complaint where necessary.

Acknowledgement

We will acknowledge receipt of a formal complaint within 3 working days.

The acknowledgement will confirm who will be dealing with the complaint and, where possible, the expected timescale for the investigation.

Investigation

The complaint will be investigated fairly and impartially.

The person investigating will, where reasonably possible, not have been directly involved in the matter being complained about.

The investigation may include:

- Reviewing relevant records, documents or communications;
- Speaking to the complainant;
- Speaking to staff, learners or other people involved;
- Reviewing relevant policies or procedures; and
- Considering any other evidence that is relevant to the complaint

The complainant will be given a reasonable opportunity to provide relevant information and explain their concerns.

We will aim to complete the investigation and provide a written response within 10 working days of acknowledging the complaint.

Where a complaint is complex or cannot reasonably be concluded within this timescale, we will explain the reason for the delay and provide an updated timescale.

Outcome

The outcome will normally confirm whether the complaint is:

- Upheld - the complaint is accepted in full;
- Partially upheld - some elements of the complaint are accepted; or
- Not upheld - the evidence does not support the complaint

The response will explain the outcome and, where appropriate, any action that will be taken to resolve the issue or prevent it from happening again.

Stage 3 - Review of the Complaint

If the complainant remains dissatisfied following the formal complaint outcome, they may request a review by the Managing Director, Daniel Canavan.

The request should normally be made within 10 working days of receiving the formal complaint outcome and should clearly explain:

- Why the complainant remains dissatisfied;
- Why they believe the original complaint was not dealt with appropriately;
- Any relevant information they believe was not considered; and
- Any new information that should be taken into account

The review will consider whether:

- The complaint was investigated fairly;
- Relevant information was considered;
- The correct procedure was followed;
- The decision was reasonable based on the available evidence; and
- Any further action is appropriate

Where reasonably possible, the person conducting the review will not have been responsible for the original decision.

Given the size of The Spark Group, it may not always be possible to achieve complete separation between each stage. Where appropriate, an alternative senior person or suitably independent person may be asked to assist with the review.

We will aim to provide a written response within 5 working days of receiving the request for review. Where this is not possible, we will explain the reason and provide an updated timescale.

The Stage 3 review is the final stage of The Spark Group's internal complaints procedure.

Qualification Related Complaints and External Escalation

Where a complaint relates to a regulated qualification, the complainant must normally complete The Spark Group's internal complaints procedure before escalating the matter to the relevant Awarding Body.

Where the complaint concerns an assessment or other formal qualification decision, the Appeals Policy should normally be followed instead.

If the complainant remains dissatisfied after completing the appropriate internal procedure, they may be able to escalate the matter to the relevant Awarding Body in accordance with its current complaints or appeals procedures.

Where applicable, the Awarding Body will advise whether and how a matter can subsequently be referred to the relevant qualification regulator.

The Spark Group will provide appropriate information about the relevant external process where this applies.

Safeguarding, Whistleblowing and Other Specialist Concerns

Some concerns need to be dealt with under a different policy or procedure because of their nature.

For example:

- Safeguarding concerns will be dealt with under the Safeguarding Policy and relevant safeguarding procedures;

- Concerns about malpractice or maladministration will be dealt with under the Malpractice and Maladministration Policy;
- Protected disclosures will be dealt with under the Whistleblowing Policy;
- Assessment and examination decisions will normally be dealt with under the Appeals Policy; and
- Employment related grievances raised by employees will normally be dealt with under the Grievance Procedure

Where a complaint raises issues covered by more than one procedure, we will determine the most appropriate way to deal with the matter. More than one procedure may be used where necessary.

If a complaint raises an immediate safeguarding, criminal or serious concern, it will be referred to the appropriate person or organisation without waiting for the normal complaints process to be completed.

Confidentiality and Data Protection

Complaints will be handled sensitively and information will only be shared with people who need it to investigate and respond to the complaint, or where disclosure is required or permitted by law, regulation, safeguarding requirements, funding requirements or an Awarding Body.

Personal information will be handled in accordance with applicable data protection legislation and The Spark Group's Data Protection Statement.

We will not normally disclose personal information about another individual to a complainant unless there is a lawful basis for doing so.

Recording and Monitoring of Complaints

Formal complaints will be recorded and monitored to ensure that they are appropriately managed and that learning is identified. Records will normally include:

- The complaint and supporting information;
- The investigation undertaken;
- Relevant evidence considered;
- The outcome and reasons for the decision;
- Any action taken;
- Any escalation or review; and
- The final resolution

Complaints will be reviewed periodically by the Senior Leadership Team to identify recurring issues, risks and opportunities for improvement.

Where a complaint identifies a weakness in our services, policies or procedures, we will take proportionate action to address it.

Complaint records will be retained for a minimum of 3 academic years and securely in accordance with our Data Protection Statement and applicable legal, regulatory, funding and Awarding Body requirements.

Policy Review

This policy will be reviewed annually or sooner if required by legislation or regulatory requirements, funding requirements or Awarding Body requirements.

This policy will also be reviewed where complaints or other feedback identify a need for changes to our processes.

Approval

This policy has been approved by The Spark Group's Senior Leadership Team.

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