




FEEDBACK, COMPLAINTS AND APPEALS POLICY

Captiva Learning Limited

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Signed:		Jason Oster Captiva Chief Operating Officer	

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This document will be reviewed annually unless a change of policy or regulation necessitates an interim review. The review will be led by a member of the senior leadership team, or a senior manager, and will involve external advisors or experts where required. The updated document will be reviewed by the senior leadership team initially, then by the Captiva Governance Board before being authorized for publication by the Chair of the Board.

Introduction

Captiva Learning Limited (Captiva) is committed to providing high quality services and learning experiences to all it serves and welcomes feedback about the services provided.

This policy reflects sector best practice and underpins our vision and core values whereby the experience and satisfaction of learners and stakeholders is at the heart of the service offer.

This policy complies with the Education and Skills Funding Agency requirements for the handling of complaints and arrangement of appeals within Further Education and Apprenticeships. In circumstances where the Captiva feedback and complaints procedure has been exhausted, appeals can be made directly to the Education and Skills Funding Agency or respective awarding organisation. Further information regarding the contact details of these organisations can be found on their independent websites or requested from the Quality Team. Contact details are also included later in this document.

This policy also covers the Captiva internal apprenticeship appeals process and details the process if a learner disagrees with an assessment decision.

Captiva works with established universities to provide appropriate professional development progression opportunities. In these instances, Captiva adopts partner university policies and procedures. Therefore, for complaints and appeals related to the 'non apprenticeship' Higher Education elements of Captiva programmes (e.g. MBA, MEd, MSc) the relevant policies and procedures can be found in the following locations:

- **University of Buckingham** – click [here](#) for the complaints procedure.
- **University of Roehampton** – the general policy can be found on the Canvas learning platform. Advice on issues related to harassment and sexual misconduct can be found [here](#).

Scope

- The objectives of this policy are to:
 - Provide a transparent procedure which clearly outlines how feedback, complaints and appeals will be handled by Captiva
 - Ensure all complaints are handled sensitively, fairly and with respect for privacy (where requested)
 - Resolve problems and concerns quickly and successfully
 - Improve the services of Captiva by acting promptly to action any recommendations provided following the investigation of complaints
- Feedback and complaints may be submitted by learners, parents/carers/guardians of learners under the age of 18 (or up to the age of 25 for learners with Education, Health and Care Plans), employers, customers, other stakeholders or members of the public.
- Complaints may not be made by representatives or a third party unless covered by the above exceptions for parents/carers and guardians. Learner groups are entitled to submit 'collective complaints' and where this is the case, Captiva may ask learners to nominate a group representative.
- Concerns of a serious nature may include, but not be limited to the following:
 - Health and safety and safeguarding issues
 - Equality and diversity issues
 - Breach of confidentiality
 - Theft or damage to personal property
 - Staff conduct

Captiva uses brand names for services, including the National College of Education (NCE) and the National Centre for Leadership and Management (NCLM). All brand named services of Captiva are covered by this policy.

Key Responsibilities

- The Head of Quality is the staff member with overall responsibility for complaints and reports to the Executive Leadership Team and the Apprenticeships Governance Board.
- Training and development for staff who frequently handle feedback and complaints within Captiva will be arranged by the Quality Team.

- The Quality Team manages the central complaints tracker, receives, logs and forwards complaints to an Investigating Officer (usually a manager), supports with investigations, responses and data analysis.
- The Investigating Officer's role is to establish the essential facts of the matter by collating any evidence that supports or contradicts the allegation. The Investigating Officer completes an Investigation Report and drafts a letter of response and emails these to Captiva for standardisation and issue by the Quality Team.
- Human Resources is consulted for any staff conduct issue and assigns a designated member of the Human Resources Team to support the Investigating Officer.
- A Health and Safety Officer may be involved in any complaint where there is a health and safety concern.
- A Safeguarding Officer will be involved if a safeguarding concern is raised.
- An Apprenticeships Governance Board member will chair an Appeals Board consisting of an independent manager and a scribe.

Principles - Feedback

- This policy is designed to support and improve the Captiva service offer. Captiva values feedback, both positive and negative, and sees this as vital to improve its services and drive success.
- Feedback is defined as any comment provided about the service or experience of learners, employers, parents/carers/guardians or other stakeholders, which is used as a basis for recognising good practice or making improvements. Feedback can be provided verbally to any member of staff or formally, in writing, to the Quality Team.
- On receipt of feedback Captiva will:
 - Thank you for taking the time to provide feedback
 - Pass on any compliments to individual staff members and their manager and ensure the good work of staff is recognised
 - Share best practice to continue to improve services across the organisation
- Investigate any suggestions about how improvements can be made and where possible and appropriate, act quickly to implement these.

Principles - Complaints

- A complaint is defined as a statement that services are unsatisfactory or that action, or lack of action, taken by Captiva is unacceptable.
- On receipt of a complaint Captiva will:
 - Endeavour to listen carefully to any and all concerns raised within a reasonable amount of time
 - Respect privacy if requested. Note – the only exception to this would be in respect of any safeguarding or criminal concerns which would need to be reported.
 - Operate fairly and sensitively
 - Maintain accurate and detailed records and keep all parties updated as to the progress of the matter being dealt with
 - Take action where appropriate
 - Ensure no student or staff member is discriminated against as a result of making a complaint
- Complaints must be submitted in writing to the Quality Team via email: complaints@captivalearning.com. Complaints addressed to other staff will be forwarded to the Quality Team for processing.
- This policy covers all learners for a period of up to 3 calendar months from the last day of required attendance or from being informed that the qualification has been achieved. Captiva will take reasonable steps to resolve all concerns as quickly as possible.

Informal Complaints Handling

- In the first instance, Captiva will endeavour to resolve complaints informally with the objective of achieving an early and satisfactory resolution. Where this is not possible, due to an early resolution not being achieved, where the complainant refuses to engage with the informal handling of the complaint, or where the seriousness or complexity of the complaint deems it most appropriate to be dealt with formally, the complainant will be informed of this and advised of the formal complaints handling procedure.
- When raising a concern, a member of the Quality Team will ask that you are prepared to:

- Inform us as quickly as possible of any requirements you may have to help you in raising a concern
 - Describe reasonably and fairly the details of the issue or concern you have
 - Explain any actions you have taken to deal with this
 - Allow us reasonable time to investigate the issue and follow the procedure outlined in this policy
 - Understand that some things are outside of the control of Captiva
- When handling informal complaints, a member of the Quality Team will:
 - Ask you to speak directly to the member of staff involved (this may include tutors, assessors, team leaders or managers) within 20 days of the concern arising.
 - Where it is not possible to speak to the person directly involved, you should contact any member of staff.
 - If you are unsure of who to contact, please contact the Quality Team who can advise you of the best route to progress your concern or complaint.
 - Staff will aim to resolve your issue within 10 working days of being notified or update you on progress where this is not possible.

Formal Complaints Handling

- Where concerns have not been successfully resolved during the informal stage, or where it is deemed appropriate for them to immediately enter the formal stage, the informal stage will progress to the formal stage of complaints handling. Formal complaints developing from the informal stage must be made within 20 working days of the informal stage being exhausted.
- Captiva will:
 - Acknowledge your complaint within 2 working days and provide a copy of the complaints policy and/or form if requested
 - Ask you to outline in full, all details of your concern or complaint, any action you have taken thus far to deal with it and what your preferred outcome to the complaint is.
 - Ask that you give us permission to investigate the issue, including providing any evidence required and allow us to collect statements from all parties involved (where necessary).
 - Inform you of the investigation start date
 - Provide a written outcome letter, within 10 working days of the start date, and inform you of the appeals process, including contact details for relevant organisations should you be unsatisfied with the outcome

- To ensure fairness and objectivity, an independent Investigating Officer will be assigned to conduct the investigation and collate all the evidence which may include witness testimony, reports and documents and physical evidence. The Investigating Officer will complete an Investigation Report and draft the investigation outcome response which will include all the findings. The response will be issued to the complainant within 10 working days of the investigation start date. Complaints records will be retained by the Quality Team for up to 6 years.
- The Quality Team will ensure all complaint handling aligns with the Department for Education (DfE) policy on 'Complaints about post-16 providers' and as set out in Clause 38 of the Department for Education Apprenticeships-Provider Agreement. Complaints unresolved internally may be referred to DfE within 12 months of the issue occurring

Complaints Appeals Process

- If the complainant is not satisfied with the outcome of their complaint, then they have the right to make an appeal (within 10 working days of receipt of the complaint outcome response) in the following circumstances:
 - There is evidence that the Feedback & Complaints Policy was not followed
 - There is evidence that the facts stated were not investigated
 - The findings are inconsistent with the outcome
- When making an appeal, the complainant should notify the Quality Team via email (complaints@captivalearning.com) of their intention to appeal. Captiva will acknowledge the appeal within 3 working days and ask that the complainant provide the reasons they are unhappy with the outcome provided, the grounds for their appeal and what they feel the preferred outcome should be.
- On receipt of an appeal, the Appeal Board will review any evidence provided by the complainant and the Investigating Officer, including the investigation notes. The Appeals Board will consist of a minimum of 2 staff comprised of:
 - One member of the Apprenticeships Governance Board
 - One independent manager
 - A scribe
- Based on the findings of the Appeals Board, the appeal will either be upheld or dismissed.
- The complainant will be informed of the date and time of the Appeal Hearing should they wish to attend. A representative cannot attend the Hearing in place of the complainant and may not speak on behalf of the complainant.

- An appeal outcome response will be issued to the complainant outlining the findings of the Appeals board and the reasons for their decision. In the case of HE complaints, this will be in the form of a [Completion of Procedures Letter](#) from the Office of the Independent Adjudicator (OIA) which is the body that covers our university partners.
- The appeals response is final and concludes the Captiva complaints procedure.
- In the event of an unsatisfactory resolution following a full internal investigation, the complainant can refer the matter to the appropriate external body (dependent upon meeting certain criteria (please check relevant policies)).
- The complaints process, including appeal steps and timelines, will be reviewed annually against DfE requirements to ensure continued compliance.

Apprenticeship Appeals - Assessment Decisions

- If a learner disagrees with an assessment decision, they have the right to appeal. There are three stages to the internal appeals procedure and each stage must be completed before proceeding to the next one.
- The apprenticeship appeals process can also be used to appeal against decisions regarding Reasonable Adjustments or Special Consideration and decisions made in cases of malpractice and maladministration.
- **First Stage:**
We advise all learners to raise their concerns in writing (Appendix A) with their allocated tutor. The allocated Tutor will reply within 7 days. If there is no resolution, or the learner is not satisfied with the outcome, the learner will need to move to the second stage.
- **Second Stage:**
The learner should submit a written appeal (Appendix A) to the Internal Quality Assurer within 8 days of the Tutor response, along with the original documents.
- The Internal Quality Assurer will carry out an investigation and inform the relevant parties of the outcome within 14 days. At this stage the appeal may be resolved. If not, the learner must move to the third stage.
- **Third and Final Stage:**
The learner will need to submit a written appeal (Appendix A) in writing to the Head of Quality within 21 days of the Internal Quality Assurer's response. The Head of Quality will then review the appeal and the Internal Quality Assurer's report. The learner will be notified of the outcome within 20 days. If the appeal is upheld, any actions and or amendments required will be communicated. The decision made by the Head of Quality is final.

Note

At each stage of the appeal, the Captiva staff member will remind the learner and tutor that evidence used in the EPA is selected by the learner and their employer. In the event where the third stage has not resolved the original appeal, the evidence can still be submitted for EPA if the learner and employer choose to do so.

- If the appeal relates to the Speaking, Listening and Communication Functional Skill Assessment, the learner can escalate the appeal after exhausting the Captiva appeals process to the Awarding Body (NCFE) through the External Quality Assurer.

Referral to an External Body

- In the event of an unsatisfactory resolution following a full internal investigation, the complainant can refer the matter to the appropriate external body (dependent upon meeting certain criteria).
- For Further Education provision, including apprenticeships, escalated complaints should be addressed to: The Apprenticeship Service Support Team on 08000 150600 or by email to helpdesk@manage-apprenticeships.service.gov.uk. Further information about the DfE complaints procedure can be found [here](#). In the case of Apprentices wanting to make a complaint, further information and guidance can be found [here](#).
- For Higher Education matters, escalated complaints should be address to: [The Office of the Independent Adjudicator for Higher Education](#) (OIAHE), Second Floor, Abbey Gate, 57-75 Kings Road, Reading, RG1 3AB. The OIAHE can also be reached by email: enquiries@oiahe.org.uk.
- For any complaints regarding the storage or use of your data, or about the handling of Freedom of Information requests, complainants should contact The Information Commissioner. Contact details are: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or via their live chat service ico.org.uk/livechat, or helpline on 0303 123 1113.

Monitoring

- All FE feedback and complaints received by Captiva are centrally logged, monitored and reviewed by the Quality Team to identify any themes. Monthly data reports outlining the number and primary category of complaints are reported to the Executive Leadership Team and the Apprenticeships Governance Board by the Head of Quality. Annual monitoring and evaluation reports of all feedback and complaints received are provided to the Governance Board.

Appendix A

Apprenticeship Appeals Form - Assessment Decisions

Learner name		Tutor name	
Apprenticeship Standard		Date submitted to Tutor	
STAGE 1 Assessment Decision Appeal to Tutor	Outline your reasons for this appeal		
OneFile Evidence number	Please list each of the assessment criteria that are the subject of this appeal (where relevant)		
Stage 1 Admin only			
STAGE 2 Assessment Decision Appeal to Internal Quality Assurer	Outline your reasons for this appeal		
Stage 2 Admin only			
STAGE 3 Assessment Decision Appeal to Head of Quality	Outline your reasons for this appeal for these assessment criteria		
Stage 3 Admin only			
OR – other appeal			
If the appeal does not relate to an assessment decision, then please describe the nature of the appeal below e.g., Reasonable adjustment decision, malpractice/maladministration decision			