

TITLE: Complaints Policy	REF: HSA002	VERSION: 3
APPROVAL BODY: GM	DATE: 19.05.2022	REVIEW: June 2027
LEAD PERSON: GM		
VERSION	REVIEWER/APPROVAL SIGNATURE	REVIEW NOTES
Version 1 – 19.05.2022	<i>John Pitchforth</i>	On behalf of the Leadership Team
Version 2 – 05.03.2025	<i>John Pitchforth</i>	On behalf of the Leadership Team
Version 3 – 01.06.2026	<i>Georgie Mann</i>	On behalf of the Senior Management Team

Complaints Policy

Policy Statement

Heritage Skills Academy are committed to dealing openly, fairly and effectively with any comment or complaint about services from apprentices, employers, staff or others and will offer an appropriate resolution, where possible, to anyone who is adversely affected by a service which fails to meet standards

Policy Purpose

The purpose of this plan is to investigate complaints with the aim of satisfying complainants, while being fair to staff and apprentices and to learn any lessons that may improve future service delivery.

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1. Aim

Heritage Skills Academy aims to meet its statutory obligations when responding to complaints from apprentices, employers, staff and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality - Information relating to complaints will be shared only with those who need it to investigate and resolve the matter
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into HSA improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Heritage Skills Academy will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on Heritage Skills Academy website.

Heritage Skills Academy will make reasonable adjustments to the complaints process where required under the Equality Act 2010, including providing information in alternative formats and offering additional support where appropriate.

2. Definitions and Scope

Definitions

The DoFE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

Scope

Heritage Skills Academy intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Safeguarding matters
- Whistleblowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use Heritage Skills Academy premises or facilities should be directed to the provider concerned.

3. Legislation and statutory requirements

This document is based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

4. Roles and Responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Cooperate with Heritage Skills Academy throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator

An individual will be appointed to investigate the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Managing Director or complaints committee which includes the facts and potential solutions

Administrator

The administrator will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing

- Record and circulate the minutes and outcome of the hearing

Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

6. Time Scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

7. Stages of Complaint

Stage 1: Informal

Heritage Skills Academy will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or a Director or General Manager as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact Heritage Skills Academy office admin@heritageskillsacademy.co.uk.

Heritage Skills Academy will acknowledge informal complaints within 5 working days and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and an HSA Director, General Manager and/or the relevant member of staff, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: Formal

Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact Heritage Skills Academy office admin@heritageskillsacademy.co.uk.

The General Manager will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform Heritage Skills Academy of the identity of their companion in advance.

In certain circumstances, Heritage Skills Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, Heritage Skills Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The General Manager will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 28 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the General Manager within 10 working days.

How to Escalate a Complaint

Complaints can be escalated by contacting the administrator:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant

The General Manager will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 28 working days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the Managing Director in writing within 10 working days. Requests received outside of this time frame will be considered in exceptional circumstances.

The General Manager will acknowledge receipt of the request within 5 working days.

Stage 3: Review Panel

Escalated complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact Heritage Skills Academy office admin@heritageskillsacademy.co.uk.

The General Manager will call a meeting to clarify concerns and seek a resolution. The General Manager will invite other members of the Senior Management Team and/or members of the Governance Board to take part in the Review Panel. The complainant may be accompanied to this meeting and should inform Heritage Skills Academy of the identity of their companion in advance.

In certain circumstances, Heritage Skills Academy may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, Heritage Skills Academy will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The General Manager will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 28 working days.

The Review Panel's decision is final.

8. Complaints Against the General Manager or Member of the Senior Management Team

Stage 1: Informal

Complaints made against the General Manager or member of the Senior Management Team should be directed to the administrator in the first instance.

If the complaint is about the General Manager, a suitably skilled member of the senior management team will be appointed to carry out the steps at stage 1 (set out in section 7 above).

Stage 2: Formal

If the complaint is made against the General Manager an independent investigator will carry out the steps in stage 2 (set out in section 7 above). They will be appointed by the senior management team and will write a formal response at the end of their investigation.

Stage 3: Review Panel

If the complaint is about the Managing Director or Operations Director, a committee of independent, impartial and suitably skilled professionals will hear the complaint and will carry out the steps at stage 3 (set out in section 7 above).

9. Referring Complaints on Completion of HSA's Procedure

If the complainant is unsatisfied with the outcome of HSA's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by HSA. The ESFA will not overturn a decision about a complaint. However, it will look into:

- Whether there was undue delay, or Heritage Skills Academy did not comply with its own complaints procedure
- Whether Heritage Skills Academy was in breach of its funding agreement
- Whether Heritage Skills Academy has failed to comply with any other legal obligation

If Heritage Skills Academy did not deal with the complaint properly, it will be asked to re-investigate the complaint. If HSA's complaints procedure is found to not meet regulations, Heritage Skills Academy will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-further-education-apprenticeship>

We will include this information in the outcome letter to complainants.

10. Persistent Complaints

Unreasonably Persistent Complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following HSA's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on HSA time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact Heritage Skills Academy in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our site(s).

Duplicate Complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

Complaint Campaigns

Where Heritage Skills Academy receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Academy, Heritage Skills Academy may respond to these complaints by:

- Publishing a single response on Heritage Skills Academy website
- Sending a template response to all of the complainants

If complainants are not satisfied with HSA's response, or wish to pursue the complaint further, the normal procedures will apply.

11. Record Keeping

Heritage Skills Academy will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during an ITP inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

12. Learning Lessons

The leadership team will review any underlying issues raised by complaints with the Managing Director, where appropriate, and respecting confidentiality, to determine whether there are any improvements that Heritage Skills Academy can make to its procedures or practice to help prevent similar events in the future.

13. Monitoring Arrangements

The Managing Director will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Operations Director will track the number and nature of complaints, and review underlying issues as stated in section 12.

The complaints records are logged and managed by the Operations Director.

This policy will be reviewed by Operations Director every 3 years.

At each review, the policy will be approved by the Managing Director.

14. Links with Other Policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy
- Staff Grievance procedures
- Staff Disciplinary procedures
- Privacy notices