Complaints Policy

1. Introduction

1.1. Purpose

The purpose of this document is to set out Employ My Ability's policy on the handling and management of complaints from external sources.

The policy and associated direction contained within it provides guidance to all staff on how to where complaints may come from, how to manage complaints from one being initially raised through to a point of resolution.

This policy does not cover the management of internal complaints, these should be raised either through EMA's Grievance Policy framework or another relevant internal mechanism.

1.2. Legal and/or regulatory framework

This Policy fulfils the requirements of:

a) Department for Education extant guidance
b) Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16
c) Consumer Rights Act 2015

2. Scope

This policy applies to any interested party that has any interactions (or previously has had), whether they be commercial or otherwise, with EMA.

3. Policy statement

3.1. General

Employ My Ability views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person that has made the complaint.

Our policy is to:

a) Provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint.
b) Publicise the existence of our complaints procedure so that people know how to contact us to make a complaint.
c) Make sure everyone at EMA knows what to do if a complaint is received.
d) Make sure all complaints are investigated fairly and in a timely way.
e) Make sure that wherever possible complaints are resolved and that relationships are repaired.
f) Gather information which helps us to improve what we do.

3.2. Definition

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of EMA.

3.3. Origin of a complaint

Complaints may come from any person or organisation that has a legitimate interest in EMA. A complaint can be received verbally, by phone, by email, in writing, or through any social media channel that EMA is currently maintaining.

3.4. Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

3.5. Initial complaints procedure

All complaints in relation to an area of EMA's service provision across any of the settings in which we operate, should be sent, if possible, by email to:

compliance@employmyability.org.uk .

Alternatively, complaints can be sent by post to:

Group Compliance & Risk Manager, The Walled Garden, Moreton, Dorset, DT2 8RH

Or by calling our main office on:

01929 0405685

In your complaint you should state your preferred method of return communication.

You will receive an acknowledgement of your complaint by your preferred means within 5 working days, and the management team will ensure that the internal line management process is followed so that the relevant member of our team look can investigate the matter and provide you with a timely response.

The acknowledgement will say who is dealing with the complaint and when the complainant can expect a reply; a copy of this policy is to be attached.

3.6. Escalating your complaint

If you feel that you have not received a timely response, or are dissatisfied with your response then please feel free to escalate the issue to one of our directors, their contact details are below:

Steve White, Managing Director: steve@employmyability.org.uk

James Dunham, Director of Education: jdunham@employmyability.org.uk

3.7. Complaints about a Director

Should your complaint concern the Managing Director, you should make your complaint to the Director of Education; and if your complaint is about the Director of Education, you should make your complaint to the Managing Director.

Your complaint will be considered in line with the process outlined 3.10 with one of EMA's independent advisory board undertaking the investigation into the complaint. Should the complaint not be resolved at Stage 1, a separate board member, unconnected to the first review will carry out the functions as described in Stage 2.

3.8. Complaining to an external body

EMA pride ourselves on being able to deal with complaints empathetically and fairly internally. You are however able to make a complaint regarding EMA directly to the Local Authority, DfE, ESFA, CQC or other relevant body should you wish to do so.

Should this be the case, EMA will cooperate fully with any issue and associated investigations presented to them from such an external body, but will not communicate directly with the complainant if a matter is raised in this way.

3.9. Internal management of complaints

Complaints may arrive through channels publicised for that purpose or through any other contact details or opportunities the complainant may have.

Complaints received by telephone or in person need to be recorded. The member of staff who receives a phone call, or in person complaint will:

a) Write down the facts of the complaint.
b) Take the complainant's name, address, telephone number and email.
c) Note down the relationship of the complainant to EMA.
d) Tell the complainant that we have a complaints procedure and offer to provide this to them.
e) Tell the complainant what will happen next in line with the details in this policy.
f) Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.
g) Hand all details of the complaint to the Group Compliance and Risk Manager.

3.10. Resolving Complaints

a) Stage One

Ordinarily, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate.

Whether or not the complaint has been resolved, the complaint information should be passed to the Group Risk and Compliance Manager within 5 working days; it will then either be filed for record-keeping purposes; further investigated directly; or passed to another relevant member of the management team to investigate.

If the complaint relates to a specific person, they will be informed and given a fair opportunity to respond.

All complaints are to be acknowledged, detailing who is dealing with the complaint and when the complainant can expect a reply; a copy of this policy is to be attached.

Ideally complainants should receive a definitive reply within 28 days. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken because of the complaint.

b) Stage Two

If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed at Senior Management Team level. At this stage, the complaint will be passed to a member of the SMT.

The request for a review should be acknowledged within 5 working days of receiving it. The acknowledgement should say who in the SMT will deal with the case and when the complainant can expect a reply.

The SMT member may investigate the facts of the case themselves or delegate a suitably senior person to do so. This may involve reviewing the paperwork of the case and speaking with the person who dealt with the complaint at Stage One.

If the complaint relates to a specific person, they will be informed and given a further opportunity to respond.

The person who dealt with the original complaint at Stage One should be kept informed of what is happening.

Ideally complainants should receive a definitive reply within 28 days. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken because of the complaint.

The decision taken at this stage is final, unless the SMT decides it is appropriate to seek external assistance with resolution.

If we do not succeed in resolving your complaint, you may complain to the Local Authority, DfE, ESFA, CQC, or other relevant external body should you wish to do so.

Such external bodies normally expect you to bring your concerns to our attention first and to give us a chance to put things right. If you do not feel this has been the case at the end of this stage of the complaints policy, you can use the below links to reach the relevant external body, together with details of where you can ask for further support:

Complain to Dorset Council

Complain to BCP Council

Complain to Wiltshire Council

Complain to Somerset Council

Complain to Hampshire Council

Complain to DfE

Complain to ESFA

Complain to CQC

3.11. Variation

The SMT may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about a member of the SMT should not also have the same SMT member named in the complaint leading a Stage Two review.

3.12. Monitoring and learning from complaints

Complaints are reviewed annually by the SMT to identify any trends which may indicate a need to take further action.

3.13. Practical guidance for staff handling verbal complaints

a) Remain calm and respectful throughout the conversation
b) Listen - allow the person to talk about the complaint in their own words. Sometimes a person just wants to "let off steam"
c) Don't debate the facts in the first instance, especially if the person is angry
d) Show an interest in what is being said
e) Obtain details about the complaint before any personal details
f) Ask for clarification wherever necessary
g) Show that you have understood the complaint by reflecting back what you have noted down
h) Acknowledge the person's feelings (even if you feel that they are being unreasonable) - you can do this without making a comment on the complaint itself or making any admission of fault on behalf of the organization e.g. "I understand that this situation is frustrating for you"
i) If you feel that an apology is deserved for something that was the responsibility of your organisation, then apologise
j) Ask the person what they would like done to resolve the issue
k) Be clear about what you can do, how long it will take and what it will involve.
l) Don’t promise things you can’t deliver
m) Give clear and valid reasons why requests cannot be met
n) Make sure that the person understands what they have been told
o) Wherever appropriate, inform the person about the available avenues of review or appeal

4. Roles & responsibilities

As defined in the above.

5. Implementation

The Senior Management Team at EMA have overall responsibility for the implementation of this policy; however, all employees are required to adhere to and support its implementation.

All employees are to be made aware of any changes to this policy.

6. Support, advice and communications

Requests for further advice, support or implementation guidance on this policy can be obtained from compliance@employmyability.org.uk .

7. Review

This policy will be reviewed annually, following which the revision number and date will be updated to ensure that staff always know that they are referencing the correct policy.

Should there be a need to change the content of the policy before its annual review date then please send a notification to compliance@employmyability.org.uk .

8. Associated documents

Investigations Policy.