

Date Approved	Approved by	Next review Date	Version
01/01/2017	Mohamed Yusuf Executive Director	01/03/2023	05

## COMPLAINTS POLICY AND PROCESS - QUALIFICATIONS

### Policy Summary

Oasis Care and Training Agency's (OASIS) Complaints Policy provides the framework within which anyone who is dissatisfied with the organisation can raise their concerns. The framework also assists staff to deal with complaints from learners, employers, contractors, visitors and other interested parties.

### Informal Stage

It is recognised that some concerns are raised informally, and these can and should be dealt with immediately. An informal complaint should be raised directly with the relevant Tutor, Trainer, or the Head Office team.

Any such concerns should then be raised promptly and directly with the individual against whom there is a concern where relevant.

We aim to resolve informal concerns quickly and effectively. If concerns are not satisfactorily resolved in this way complainants should follow OASIS's formal Complaints process as outlined below.

### Formal Stage

The formal procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

### Responsibility of the Complainant

If the complaint is not resolved at the informal stage, or the complainant does not wish to follow the informal complaint process, they should:

- Communicate their complaint in writing to:
  - Khadra Abdi
  - Oasis Care and Training Agency
  - Head Office
  - 24 Murdock Street, London SE15 1LW
- To speak to them in person about a complaint please contact 0207639192 ext 502
- Bring their complaint to the attention of OASIS within 12 weeks of the incident occurring.
- Explain the concern as clearly and as fully as possible, including any action taken to date.

### Responsibility of OASIS

OASIS welcomes feedback to enable us to improve our services. We will respond to any dissatisfaction with our services fairly and promptly.

- You will receive an initial response within 48 hours of receipt of your formal complaint
- Your complaint will be looked into and a response sent to you within 10 working days detailing our findings.

- A further, more detailed response will be sent on conclusion of a full investigation if relevant.
- You may be offered a meeting with the parties involved if appropriate.
- All informal and formal complaints will be logged on our central log.
- These will be retained for a period of 2 years following resolution and closure of the complaint at which point all information relating to the complaint will be deleted.

### **Appeals and Escalation Process**

You may appeal to Alfred Grezaj, Commercial Training Director, if you are dissatisfied with the outcome of your complaint. Your appeal must be submitted within 20 working days from receipt of the complaint response. Your appeal should be sent, in writing, to the address on page 1.

If you have fully exhausted our complaints procedure, have evidence of this and remain dissatisfied, you can contact the Awarding Body. You can also contact the Awarding Body if you are being prevented from exhausting our complaints procedure, or if you are no longer able to contact us because we are no longer trading.

### **How to complain to the Awarding Body**

The Awarding Body only accept complaints in writing, by email or letter, except where they are required to make reasonable adjustments. Please let them know if this applies to you, either through a third party or calling them and they will arrange for someone to handle your complaint accordingly.

If you have difficulties in providing details in writing or if you are under 18, they will consider complaints made on your behalf by a third party. You will need to confirm that they can communicate with that third party on your behalf. If the complaint is on behalf of more than one person, they will need written permission from everyone.

When you contact them about your complaint, you will need to provide them with the following:

- the name of our organisation
- details of what your complaint is, together with the relevant documents
- evidence that you have fully exhausted our complaints procedure, including any appeals process (for example, written correspondence confirming the outcome)
- permission to disclose details of your complaint to us
- if you are acting on behalf of a learner, evidence that you have their permission to do so

### **What happens next**

On receipt of your complaint, they will check:

- if you are a registered student with them
- if it falls into one of the categories they investigate
- if the original decision or action complained about occurred more than 12 months ago
- whether you have exhausted our complaints procedure including any appeals process

The Awarding Body will acknowledge receipt and send a copy of their procedure. They will also inform you of whether the complaint is one that they can investigate. If the Awarding Body cannot investigate your complaint, they may also signpost you to another organisation that may be able to help you.

The Awarding Body will appoint an officer with appropriate knowledge and expertise to investigate your complaint. If they can investigate, they will email a summary of the complaint to you. In some complex cases, they will request that you agree to the summary.

Within 10 working days of agreeing a summary, the Awarding Body will send the information that you have provided along with a summary of the complaint to us. They will then ask us to share with them:

- details and copies of the relevant procedure
- confirmation that our procedures have been exhausted
- a response to the summary of complaint, together with relevant documents
- confirmation that they can share the information provided with you

If our procedures have not been exhausted, the Awarding Body will let you know that they will not investigate the matter further until that has happened. If they decide we have unduly delayed resolving the complaint or will not resolve the complaint within a reasonable timescale, they may continue to investigate.

If the Awarding Body need more information, they may contact those involved to get further information or evidence. The Awarding Body aim to finalise the findings within 25 working days of your complaint summary being agreed. They will notify you of the outcome and their findings, and that will conclude the investigation.

If at any point during the investigation, they encounter a delay in responding to or providing correspondence, they will notify you of the delay and provide details of when you can expect a response.

### **Confidentiality**

OASIS will keep you informed of progress with your complaint and how we are handling the information provided under this Complaints Procedure. Where an investigation is required, your information may be shared with other OASIS staff members or external third parties. Before sharing your information, we would inform you of this, unless there were exceptional circumstances, for example, where doing so could pose a risk of harm to you or others.

In the case of young people under the age of 18 raising a complaint, depending on the nature of the complaint, we may be obliged to inform their parent/guardian.

### **REVIEW**

This policy will be reviewed on an annual basis or following changes to ESFA or Government updates, as well as statutory guidance in relation to Covid-19 and company risk assessment policies and processes.

**Signed**                      **Date 01/03/2022**



**Mohamed Yusuf**

**Executive Director**

## COMPLAINTS POLICY AND PROCESS - APPRENTICESHIPS

### Policy Summary

OASIS's Complaints Policy provides the framework within which anyone who is dissatisfied with the organisation can raise their concerns. The framework also assists staff to effectively deal with complaints from learners, parents, customers, employers, contractors, visitors and other interested parties.

### Informal Stage

It is recognised that some concerns are raised informally, and these can and should be dealt with immediately. An informal complaint should be raised directly with the relevant Tutor, Trainer or Assessor.

Any such concerns should then be raised promptly and directly with the individual against whom here is a concern where relevant.

We aim to resolve informal concerns quickly and effectively.

If concerns are not satisfactorily resolved in this way complainants should follow OASIS's formal Complaints process as outlined below.

### Formal Stage

The formal procedure is intended to ensure that all complaints are handled fairly, consistently and wherever possible resolved to the complainant's satisfaction.

### Responsibility of the Complainant

If the complaint is not resolved at the informal stage, or the complainant does not wish to follow the informal complaint process, they should:

- Communicate their complaint in writing to:
  - Khadra Abdi
  - Oasis Care and Training Agency
  - Head Office
  - 24 Murdock Street, London SE15 1LW
- To speak to them in person about a complaint please contact 0207639192 ext 502
- Bring their complaint to the attention of OASIS within 12 weeks of the incident occurring.
- Explain the concern as clearly and as fully as possible, including any action taken to date.

### Responsibility of OASIS

OASIS welcomes feedback to enable us to improve our services. We will respond to any dissatisfaction with our services fairly and promptly.

- You will receive an initial response within 48 hours of receipt of your formal complaint
- Your complaint will be looked into and a response sent to you within 10 working days detailing our findings.
- A further, more detailed response will be sent on conclusion of a full investigation if relevant.
- You may be offered a meeting with the parties involved if appropriate.
- All informal and formal complaints will be logged on our central log.

- These will be retained for a period of 2 years following resolution and closure of the complaint at which point all information relating to the complaint will be deleted.

### **Appeals and Escalation Process**

You may appeal to if you are dissatisfied with the outcome of your complaint. Your appeal must be submitted within 20 working days from receipt of the complaint response. Your appeal should be sent, in writing, to Alfred Grezaj, Commercial Training Director. To speak to them in person about a complaint please contact Head Office on 020 7639 6192.

If you have fully exhausted our complaints procedure, have evidence of this and remain dissatisfied, you can contact the ESFA.

You can also contact the ESFA if you are being prevented from exhausting our complaints procedure, or if you are no longer able to contact us because we are no longer trading.

### **How to complain to the ESFA**

The ESFA only accept complaints in writing, by email or letter, except where they are required to make reasonable adjustments. Please let them know if this applies to you, either through a third party or by **calling them**, and they will arrange for someone to handle your complaint accordingly.

If you have difficulties in providing details in writing or if you are under 18, they will consider complaints made on your behalf by a third party. You will need to confirm that they can communicate with that third party on your behalf. If the complaint is on behalf of more than one person, they will need written permission from everyone.

You should email complaints to [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk), or put them in a letter to:

Customer Service Team  
Education and Skills Funding Agency  
Cheylesmore House  
Quinton Road  
Coventry CV1 2WT

### **When you contact them about your complaint, you will need to provide them with the following:**

- the name of our organisation
- details of what your complaint is, together with the relevant documents
- evidence that you have fully exhausted our complaints procedure, including any appeals process (for example, written correspondence confirming the outcome)
- permission to disclose details of your complaint to us
- if you are acting on behalf of a learner, evidence that you have their permission to do so

The ESFA can only investigate on behalf of learners whose courses they fund or employers that they fund. They may ask you for further information to help them confirm this.

### **What happens next**

On receipt of your complaint, they will check:

- if they fund the course/organisation
- if it falls into one of the **categories they can investigate**
- if the original decision or action complained about occurred more than 12 months ago (unless it is about an Advanced Learner Loan)
- whether you have exhausted our complaints procedure including any appeals process

The ESFA will acknowledge receipt and send a copy of this procedure. They will also inform you of whether the complaint is one that they can investigate. If the ESFA cannot investigate your complaint, they may also signpost you to another organisation that may be able to help you.

The ESFA will appoint an officer with appropriate knowledge and expertise to investigate your complaint.

If they can investigate, they will email a summary of the complaint to you. In some complex cases, they will request that you agree to the summary. Where this happens, you will have 5 working days to respond.

Within 10 working days of agreeing a summary, the ESFA will send the information that you have provided along with a summary of the complaint to us. They will then ask us to share with them:

- details and copies of the relevant procedure
- confirmation that our procedures have been exhausted
- a response to the summary of complaint, together with relevant documents
- confirmation that they can share the information provided with you

If our procedures have not been exhausted, the ESFA will let you know that they will not investigate the matter further until that has happened. If they decide we have unduly delayed resolving the complaint or will not resolve the complaint within a reasonable timescale, they may continue to investigate. If the ESFA determine that you are self-funded, they will write to you to say that they cannot investigate the matter further.

If the ESFA need more information, they may contact those involved to get further information or evidence.

The ESFA aim to finalise the findings within 25 working days of your complaint summary being agreed. They will notify you of the outcome and their findings, and that will conclude the investigation.

If at any point during the investigation, they encounter a delay in responding to or providing correspondence, they will notify you of the delay and provide details of when you can expect a response.

### **What action the ESFA will take**

The organisations funded are independent bodies and the ESFA has limited power to intervene in their day-to-day running. ESFA's role is to ensure we have acted according to their complaint's procedures.

### **If your complaint is upheld, they may consider action against us, such as:**

- asking us to review our complaints procedure to ensure non-recurrence
- asking us to review our handling of your case

### **Working with other ESFA teams and/or intelligence, they may consider:**

- whether they continue to fund us
- invoking clauses from the funding agreements, financial memoranda and/or contracts between ESFA and ourselves

### **What to do if you are not satisfied**

If you are not happy with the way the ESFA handled your complaint against a provider, you can fill in the **complaint form** to issue a formal complaint about the ESFA.

## **CONFIDENTIALITY**

OASIS will keep you informed of progress with your complaint and how we are handling the information provided under this Complaints Procedure. Where an investigation is required, your information may be shared with other OASIS staff members or external third parties. Before sharing your information, we would inform you of this, unless there were exceptional circumstances, for example, where doing so could pose a risk of harm to you or others.

In the case of young people under the age of 18 raising a complaint, depending on the nature of the complaint, we may be obliged to inform their parent/guardian.

## **REVIEW**

This policy will be reviewed on an annual basis or following changes to ESFA or Government updates, as well as statutory guidance in relation to Covid-19 and company risk assessment policies and processes.

**Signed**                      **Date 01/03/2022**



**Mohamed Yusuf**

**Executive Director**

## APPENDIX A

### Summary of Candidate's Access to Complaints/Appeals

Candidate Name: .....

Assessment Centre Name

1. My Assessment Centre Number is:

2. My Assessor is:

Telephone:

Email:

3. My Internal Verifier is:

Telephone:

Email:

4. The Lead IV is:

5. The Centre Manager is

6. The Assessments Centre's External Verifier is

7. My Awarding Body is...and they can be contacted by:

Telephone:

Email:

If I am unhappy about my assessment process these are the people to whom I can complain.

Please sign this form with your assessor as evidence that the appeals process has been explained to you and to indicate that you have received and understood how to use the Complaints/Appeals Procedure.

**Candidates Signature**

**Date:**

## APPENDIX B - Formal Complaint Form

It is assumed that in making a formal complaint you will first have taken your complaint through the informal stage.

By submitting a complaint, a learner should understand that OASIS will itself need to gather information about the matters raised, and that this information may include sensitive personal details.

This form is for use by any learner of xxx any learner applicant, or by a group of learners acting collectively, provided all named individuals have signed up to it. Please be aware that xxx takes a strong view about complaints which it finds to be frivolous, vexatious or malicious. Anonymous complaints will only exceptionally be considered.

Name of complainant (your name)			
Employer			
Address for correspondence			
Email address			
Contact telephone number		Date of complaint submission	

### 1. Description of your complaint

Please provide details of:

1. the background to your complaint, including stating the relevant facts and events involved chronologically, together with relevant dates.
2. the issue(s) which you wish to be considered.

If you have several issues, please list these, and provide details of each separately.

**2. The History of your Complaint at the Informal Stage**

Please provide details of how you have raised these concerns so far including:

- a) a description of the steps you have taken to resolve this matter informally, for example by raising it with the relevant staff
- b) details and names of the people with whom you have raised this complaint informally, e.g. your employer or Tutor.
- c) the outcome of the complaint at the informal stage
- d) the reasons why you feel that your complaint remains unresolved.

**3. Additional documents**

Please list any additional documents or other evidence you are submitting in support of your complaint.

**4. The resolution you seek**

Please tell us what resolution you seek and why you believe this remedy is appropriate.

Please send your complaint to xxx

If you submit your complaint in hard copy, please sign here to verify that it is from you.

Signature		Date	
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## **APPENDIX C: DEFINITIONS**

### **Complaint**

A complaint is defined as an oral or written expression of dissatisfaction with an aspect of OASIS's services.

### **Vexatious Complaints**

A complaint may be considered to be vexatious when it may or may not be the latest in a series of requests and it:

- clearly does not have any serious purpose or value
- is designed to cause disruption or annoyance, or gives rise to disproportionate inconvenience or expense
- has the effect of harassing the company, learners and/or staff
- can otherwise fairly be characterised as obsessive or manifestly unreasonable.

### **Frivolous Complaints**

A complaint may be considered to be frivolous where:

- it is clear that is not serious or sensible in content, attitude or behaviour
- there is an absence of clear desire for a sensible or reasonable form of redress.

### **Malicious Complaints**

A complaint may be considered to be malicious where:

- there is evidence of intention to do harm or mischief
- it is reasonable to assume that the complainant intended to do harm or mischief
- malice may be implied where e.g. it is clear that no redress is sought.

### **Unsubstantiated Complaints**

A complaint may be considered to be unsubstantiated where:

- after investigation of the complaint where during the course of which the complainant was given full opportunity to provide evidence in support of the complaint, no prima facie evidence has been provided to OASIS