
ISSUED BY: Cath Convery	POLICIES & PROCEDURES	Review DATE: Sep 2022
	Complaints	ISSUE : 4.0

Scope and Purpose

At Explosive Learning Solutions (ELS) we are always open to receive comments, both positive and constructively critical. It is important for us to know when we get things right and when there is a need for improvement.

All courses and services at provided by ELS are reviewed regularly and your comments will help the teams and managers to prepare and, when necessary, redesign or change the provision.

Feedback is central to this process of continual quality improvement. We want to hear from you if you feel we have done something well or, alternatively, if you think we have not met the standards required.

It is our commitment to listen and to respond to the views of all users of ELS and its services.

Aims

The purpose of this policy is to provide guidance to any Learner, Employer, visitor or other parties who are dissatisfied with any aspect of ELS, or have positive suggestions/comments.

ELS aim is to:

- Respond quickly and positively and to reach an outcome that is satisfactory and fair for all concerned.
- Keep those involved informed of our progress in dealing with the complaint.

The purpose of the complaints procedure is to provide an opportunity for complaints to be resolved as quickly as possible by carefully logging and analysing complaints, to provide a means of identifying problems and potential faults in the services provided by ELS.

Responsibility

The Quality Manager is responsible for monitoring complaints across the business and to look for trends and patterns.

The Quality Manager will present a quarterly report to the Managing Director and the curriculum leads (including the Head of End Point Assessment) on the nature of the complaints received and the manner and speed with which they have been resolved.

Learner Responsibilities

Responsibility is a two way process. If you are a Learner and you are making a complaint about your course or an ELS product/service, you also have responsibilities. We will expect you to have met requirements for:

- A = Attendance
- B = Behaviour
- C = Commitment (meeting deadlines etc).

Procedure

Our complaints procedure is designed to help customers register their concerns and to help us respond effectively and appropriately.

Complaints are dealt with in two ways:

1. Informal – by talking to us
2. Formal – by putting the complaint in writing.

(See Complaints flowchart at Annex A.)

If you are not satisfied with the service you have received you can:

1. Speak to your trainer or the Head of the curriculum area you are studying with
2. Provide feedback via end of course reviews
3. Submit a complaint to info@explosivelearningsolutions.com

Where a complaint is fully or partially upheld, ELS will take positive action to put things right, make every effort to prevent the same thing from happening again and will ensure the complainant is kept informed throughout. If a complaint is not upheld, the complainant will be advised accordingly.

Once a complaint has been received ELS will endeavour to acknowledge receipt of that complaint within 3 working days.

The Quality Manager will appoint an appropriate person (investigator/IQA) to conduct an investigation. The investigator will then contact the complainant to discuss the situation and work towards achieving an acceptable solution.

ELS will ensure that your complaint is dealt with impartially and confidentially.

Outcome of the Investigation

On completion of the investigation, the complaint will be classified in one of three ways:

1. **Upheld** – the complaint was fully justified and will result in ELS taking corrective action, e.g. an amendment of management/service procedures, staff training, and improved communications.
2. **Partially upheld** – certain aspects of the complaint were considered justified and will result in ELS conducting some follow-up action.
3. **Not upheld** – the complaint was not justified.

Concluding Action

On completion of the investigation, the investigator will:

1. Ensure the Quality Manager is in possession of all necessary information and paperwork to officially record and log the process
2. Inform any members of staff who have been involved in the complaint of the outcome and any follow-up action
3. Make sure the complainant has been fully briefed about the outcome
4. Ensure if the complaint is about equality and diversity, safeguarding or disability that the Managing Director has been notified.

Appeals

If you are unhappy with the outcome of the complaint, you can request a review of the matter which will be undertaken by a Company Director. [\(For all End-point assessment appeals please see procedure in Annex B\).](#)

A further investigation will be undertaken to try to reach a solution acceptable to both the complainant and ELS.

This will be the final route of escalation within ELS.

If you remain unhappy after following our own internal complaints procedure and your complaint refers to services you have received relating to your course and achieving your qualification then please contact the relevant Awarding Organisation directly. The Head of End-Point Assessment or the Office Manager can advise you who the relevant Awarding Organisation is and their contact details.

If you are still not satisfied with the outcome, you should contact the qualification regulator.

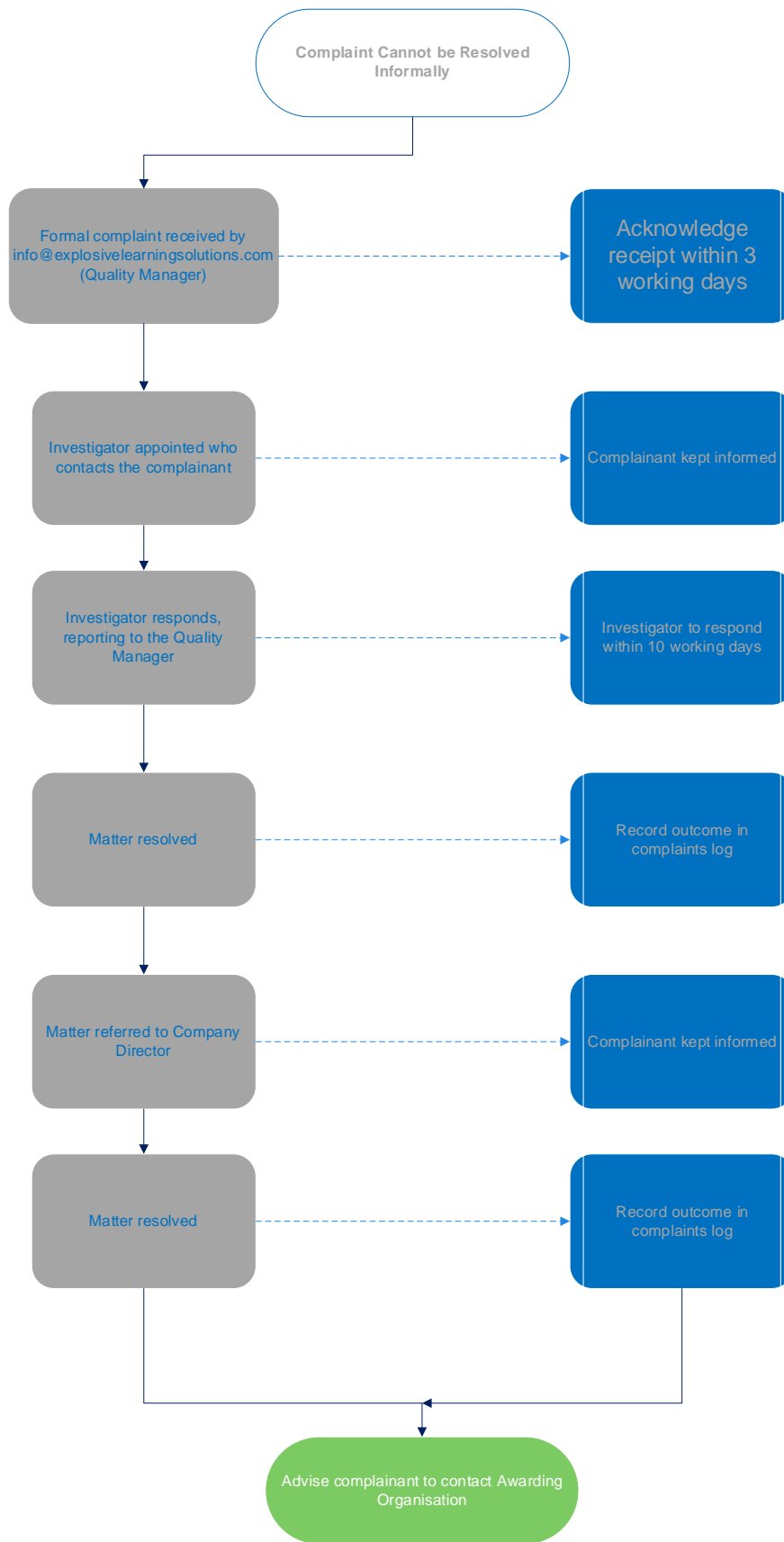
Time Periods

The time periods as set out in this procedure are for guidance and under some circumstances may be subject to extension. Where any such extensions are made, the complainant will be notified in writing.

Serial and Vexatious Complainants

A serial and/or vexatious complainant is someone who acts in an unreasonable manner, is unreasonably persistent in the manner in which they raise their complaint, for example, shifting goalposts, not accepting what is being said. ELS has a duty of care for its employees; when dealing with a serial and/or vexatious complainant we reserve the right to refuse to investigate a complaint and may, if appropriate, refer the matter to ELS's solicitors.

ANNEX A – ELS Complaints Process and Timelines



Explosive Learning Solutions End-point Assessment (EPA) Enquiries and Appeals Policy

Who and what is this policy for?

This policy is for employers, providers and apprentices. It includes information about how to make an enquiry or appeal about results or assessment decisions in ELS's end-point assessment service.

For specific queries or matters not covered in this policy, please contact us by email at: epaenquiries@explosivelearningsolutions.com

Scope

This policy applies to ELS's end-point assessment service.

It is important that the provider/employer complies with this policy as this is part of your EPA service agreement with us.

You cannot appeal against decisions to terminate your end-point assessment agreement because ELS's terms and conditions have been broken (including where a member of employer or provider staff has been found guilty of a criminal offence).

When to make an enquiry or appeal

An enquiry or appeal can be made:

- Against a decision, penalty or sanction made resulting from a malpractice investigation.
- Where we have declined applications for access arrangements and special consideration.
- If you are not happy with the outcome of the enquiry.

Post-result enquiries and appeals should be made after final confirmation by ELS, of the overall EPA result for the apprentice.

The enquiries and appeals process

Enquiry about results: first stage

Enquiries give employers and providers the opportunity to query the EPA assessment decisions, if they believe they are inaccurate. Employers and providers must have the consent of the apprentice before making an application and must also make sure the apprentice understands all the possible outcomes.

Any results enquiries need to be submitted to epaenquiries@explosivelearningsolutions.com within 10 days of the delivery of the apprentice's notification of results.

While an enquiry is happening, it is important that you keep all evidence relating to the case.

The process typically includes a clerical check, to assess whether we used procedures that were consistent with our EPA specification and associated materials. The enquiry will not typically involve the re-assessment of an apprentice's work; however, a review may be needed if the outcome of the enquiry requires it.

All cases are reviewed by our assessment experts who have responsibility for the matter.

We will:

- Acknowledge your enquiry application within three working days
- Respond to your enquiry within 10 working days of receiving it.

If you are not happy with the outcome of the enquiry, you have 10 days in which to request that an appeal hearing is undertaken.

The outcome(s) of the enquiry

If the enquiry identifies any errors within ELS's procedures, the EPA delivery team will:

- Correct any errors.
- Produce and implement an action plan to mitigate any further issues/risks.
- Provide feedback/further training and development to relevant members of the EPA delivery team.

The possible outcomes of the enquiry will be:

- Results remain unchanged.
- Results are amended, which may be a negative or positive change.

If the learner is still unhappy with the results of the end-point assessment, they can apply for an appeal - second stage.

ELS appeal hearing; second stage

The appeal hearing will consider all the information in the case to establish whether our policies and procedures were correctly followed. It will review whether we applied them properly and fairly in arriving at our judgements. The hearing will not typically involve the re-assessment of an apprentice's work; however, a review may be needed if the outcome of the appeal requires it.

Appeals cannot be submitted unless the applicant has first been through the enquiries about results stage.

While an enquiry is happening, it is important that you keep all evidence relating to the case.

The report should include:

- Provider and employer organisation name and contact details (not applicable for the Level 3 Award in Undertaking End-Point Assessment)
- The learners name(s) and unique learner number.
- The date of the assessment activity

- The date on which the learner received notification of results.
- The name of the EPA standard/part of the service affected.
- Details of the appeal, setting out the reasons why the applicant believes we did not apply or follow our procedures consistently or fairly.
- The contents and outcome of any investigation carried out by the applicant, or the learners(s), relating to the issue.
- The date of the report.
- Applicant name, position and signature.

The decision whether to accept the application for an appeal is based on:

- Whether the appeal was submitted as outlined in this policy.
- Whether there is evidence that our relevant policies and procedures have not been properly and fairly applied.

We will acknowledge your application for an appeal hearing within three working days. We have up to ten working days to hold an appeal hearing.

The appeals hearing is the final stage of our process and its decisions are final.

The appeals panel

The ELS appeal hearing panel normally consists of three panelists: a senior member of the Team and two other members who are independent of the assessment for the Learner.

Panelists will be asked to confirm at the start of the appeal hearing that they have not had previous connection with, or any personal interest in the case. Specifically, that he/she has not been involved in any marking, moderation, review of marking or review of moderation of the learner's work

If the assessment is externally quality assured by either The Institute of Apprenticeships and Technical Education or Ofqual, at least one member of the panel needs to be independent of ELS.

The key personnel named within your services agreement may be asked to attend the hearing.

The Appeal Hearing Panel will follow the procedure in the [ELS Guide to Appeals Processes](#).

Making an appeal

The chair of the appeals panel will consider an appeal if:

- The key personnel named within your services agreement makes the appeal in writing within 14 days of the outcome of the enquiry about the results stage.

Outcomes of the appeal panel

There are two possible outcomes of the hearing:

- The appeal is rejected.
- The appeal is upheld.

If the appeal identifies any errors within ELS's procedures, the delivery team will:

- Correct any errors.
- Produce and implement an action plan to mitigate any further risks/issues.
- Provide feedback/further training and development to relevant members of the Delivery team.

The appeals office will:

- Let the key personnel named within your end-point assessment services agreement or apprentice know the decision of the appeals panel within two days of the hearing.
- Send a letter to the key personnel named within your end-point assessment services agreement or apprentice describing what was discussed at the hearing and explaining the panel's decision.

There is further option to appeal or complain, for some end-point assessments, via the relevant external quality assurance organisation.

Fees

We do not charge for the enquiry about the results stage.

We do not charge for special consideration appeals.

The maximum amount that we will charge for the appeal hearing is £150 for each end-point assessment component. There is no requirement for any fee to be submitted with the initial letter of appeal. If your appeal is upheld, we will not charge you.

We reserve the right not to enter discussions on the repayment of any expenses incurred by the centre or third parties about the appeal hearing.