



Midhurst Learning

POLICIES

COMMENTS, COMPLIMENTS & COMPLAINTS



PROTECT
PEOPLE



PROMOTE
WELLBEING



PREVENT
INJURY



PROTECT
ENVIRONMENT

A SAFE ENVIRONMENT. A STRONG FUTURE. TOGETHER.

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Authoriser	Group Chief People & Business Officer
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SAFETY
We prioritise safety
in everything we do.



RESPECT
We care for each other
and our community.



RESPONSIBILITY
We take responsibility for
our actions and environment.

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Midhurst Learning is committed to safeguarding and promoting the welfare of children, young people and adults and expects all staff and volunteers to share this commitment.

Introduction

All user feedback should be viewed as an opportunity to validate or improve and reshape services and practice of Midhurst Learning.

Midhurst Learning is committed to addressing concerns and resolving them efficiently and at the most appropriate level. This policy sets out how user feedback (Compliments, Comments and Complaints) can be made and how Midhurst Learning will sensitively respond to it.

Data Protection

Midhurst Learning supports the objectives of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and other legislation relating to Data Processing, including the Human Rights Act 1998, Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Midhurst Learning has a statutory obligation to process personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Every member of Midhurst Learning has an obligation to ensure that the information they process (use) is collected, maintained and disclosed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 and the Five Rivers Child Care Data Protection Policy.

Disclosure of Information

Any use or disclosure of information held within Midhurst Learning, without there being a legitimate purpose or legal basis, will be classed as unauthorised and is a criminal offence under Section 55 of the Act Right of Access (Subject Access Requests).

Compliments & Comments

Midhurst Learning welcomes feedback about our services to validate what we do well and to make improvements where we can and will do better. This also gives an opportunity to recognise those occasions where the user is not of the mind to invoke the complaints procedure but does wish to make some suggestions or give critical feedback. All members of Midhurst Learning utilise active and effective listening skills which may prevent a problem escalating to a formal complaint.

Anyone who receives a service from Midhurst Learning is entitled to give feedback about our services. Connected people (those who are not directly using the service) who are excluded from using the complaints procedure are also entitled to be heard by making comment.

Feedback (compliments/comments) can be given to any member of staff either in writing or verbally; if verbally then the member of staff will record the feedback and pass it on to the Service Lead, who will acknowledge the feedback in writing, explaining how they will address the issues raised. All service user feedback will be discussed in service team meetings where they will be minuted and raised with senior management as appropriate.

Who can make a complaint?

- A learner
- A client employee
- Any Midhurst Learning employee
- An accredited provider
- A client company
- Any external professional or key stakeholder

- Anyone else for whom Midhurst Learning has agreed to provide a service can make a complaint under this procedure.

Individuals are also able to make complaints on behalf of others if it is considered they have "sufficient interest" to do so.

Midhurst Learning recognises that it may be difficult for some individuals to complain and would, therefore, encourage its staff throughout the organisation to assist the process where necessary and as much as possible.

Learners may find it difficult to know how to complain and it is the responsibility of all staff to be aware of this. Staff should discuss any needs or assistance required to support a complainant with their Service Lead.

What can be complained about?

- A problem
- The quality of service
- The delivery or non-delivery of a service
- The way in which Midhurst Learning carries out its policies and practices.

All serious complaints will be notified to the Group Chief People & Business Officer and Regulatory provider and where complaints are relation to the behaviour or practice relating to our members of staff, all necessary steps will be taken when thresholds are reached e.g., Notification to registration bodies, Police, Safeguarding etc.

If there is concern about the level of support provided, or practice of an employee of Midhurst Learning, this should be brought to the attention of the Service Lead for the respective service (i.e., Assessor/Tutor or Programmes Manager).

Concerns should be raised with the Service Lead to enable local resolution of the problem. Where this is not possible the Head of Centre & Operations should be contacted.

Concerns regarding the team member can be made to a line manager or directly to the Service Lead. If the complaint is about the Service Lead, then this should be directed to a line manager or directly to the Head of Centre & Operations. Concerns can be raised verbally or, preferably, in writing. If the complaint is made verbally, the person receiving the complaint must record this in writing and send it to the complainant for their agreement and signature.

Midhurst Learning has the discretion not to commence a complaint investigation where to proceed with it would compromise a concurrent investigation under another statutory or internal procedure. If Midhurst Learning decides not to commence the

complaints process, we will write to the complainant explaining our reasons for the decision specifying the relevant concurrent investigation.

The complainant will be informed that they have a right to re-submit their complaint within one year of the conclusion of the concurrent investigation.

Midhurst Learning will keep the complainant informed as to the progress of the concurrent investigation.

Where the investigation of a complaint leads to immediate disciplinary, criminal, or other legal or statutory proceedings, the investigation may be put on hold until the other matters have been dealt with if it is thought that concurrent proceedings would compromise or prejudice a concurrent investigation. If it is thought that a concurrent investigation would not compromise or prejudice either process, then the complaint process will continue.

The complainant should be kept informed as to which procedure is being applied and why. Once that procedure has been completed the complaints process will continue.

Complaints where the matter which gave rise to the complaint is longer than one year ago will only be investigated at the discretion of the Head of Centre & Operations.

Can I get help to complain?

Sometimes individuals need help and support to make a complaint. The individual may have support from their line manager, organisation, or advocate.

Midhurst Learning recognises that sometimes a learner, for example, may feel uncomfortable about involving a particular Midhurst Learning employee (e.g., their Assessor/Tutor). Under this circumstance it is encouraged that the learners identify an alternative Midhurst Learning employee (e.g., team manager, Service Lead) to provide support in the first instance. If this isn't deemed to be an appropriate option, we would encourage them to seek support from external accessible services.

The Complaint Stages

Midhurst Learning is committed to resolving conflicts and concerns at an early stage with the team member in question wherever possible. Individuals can escalate to the Service Lead where appropriate. This is usually where the complaint is of a serious nature. If necessary, a case can be heard by the Head of Centre & Operations, who will arrange for the matter to be investigated by a suitably qualified person who is independent of that Service.

Midhurst Learning will ensure that complainants are kept up to date regarding the progress of their complaint. If any complainant is not satisfied at any stage, they have the right to make a complaint to the Regulatory Authority, e.g. City & Guilds.

A complaint maybe withdrawn at any stage. The Service Lead will then consider if an internal management review should be undertaken.

All complaints received are acknowledged within two working days.

Stage One

Stage One is an informal process which consists of a complaint being made directly to the team member concerned (e.g. the local tutor or assessor). The complainant can seek the support of their line manager to facilitate this if required. It is envisaged that most complaints will be managed at Stage One. A meeting will be scheduled once a complaint has been received to discuss the issue. Complaints made orally and not in writing should be recorded by the team member receiving the complaint and checked and agreed by the complainant for accuracy.

The purpose of the meeting will be to identify the reasons for the complaint and to clarify whether it would be more appropriate for the complaint to be directed at the organisation, for example with responsibility for the learner's complaints procedure. The team member concerned will make a written record of the complaint for reference.

Where the complaint is resolved, a letter of resolution or outcome will be issued by the team member concerned, including details of how the matter was investigated, by whom and with the relevant facts to support the outcome. Ideally, All Stage One processes should be concluded within 10 working days following receipt of the initial complaint. This may be extended by a further 10 working days; if the matter has not been concluded in this timescale, then the complainant should be informed by the manager that they now have the right to go to Stage Two.

The team member in question will ensure all necessary follow up is done with staff and that their Service Lead is made aware of the matter.

Stage Two

This Stage will be activated if there is undue delay at Stage One and the complainant has not received an outcome, or complainant is not satisfied with the outcome of Stage One, or if at the outset it was agreed that the matter was better being dealt with at Stage Two.

The complainant will be advised to put their complaint in writing (it may be given orally and if so, then the complaints manager must write and seek agreement to clarify and confirm what they are being advised) to the Service Lead, within seven working days of receiving the outcome of Stage One.

The Service Lead will notify the Head of Centre & Operations and will then contact the complainant within five working days to advise that they have instructed an Investigating Officer in relation to the complaint and will advise them of their name and the expected timeframe for the investigation. The Investigating Officer will normally be another Midhurst Learning Senior Manager, or other suitably qualified individual who is independent of the service.

A report will be completed following the investigation, detailing who investigated the matter, and what outcome was reached with relevant evidence to support the report's conclusions. The investigating officer's report will then be considered by the Service Lead who will prepare a response to the report including the actions that will be taken to address the findings with time scales for their implementation. This should be done within 25 working days of the Investigating Officer being appointed. This may need to be extended but should not exceed 65 working days from the date that Stage Two was accepted.

Stage Three

This is the final stage of the complaints process. If the complainant is dissatisfied with the outcome of the Stage Two Investigation, they must confirm this in writing, including reasons for their dissatisfaction, to the Head of Centre & Operations or the Group Chief People & Business Officer/Director in their absence, who will undertake to arrange for the case to be reviewed.

The Head of Centre & Operations will consider the documentation available in relation to the original complaint and any further written representations that the complainant wishes to make in relation to how the investigation has been conducted and the outcomes of these stages.

They may decide to appoint an independent person to carry out further investigations, if it is felt that this is necessary.

At the conclusion of the Head of Centre & Operations' enquiries and, where required, any independent investigation having been undertaken, the complainant will be advised of the outcome of their enquiries, in report form, to include any actions in order to resolve the situation within 28 working days of the request for Stage Three being received.

Should the complainant still not be satisfied with the outcome of Stage Three, they may take advice from or make complaint to the Regulatory Authority e.g. City & Guilds.

Where a complaint is being made about the Head of Centre & Operations, then the complaint will be directed to the Group Chief People & Business Officer/Director.

Anonymous complaints

Anonymous complaints should always be recorded and referred to the Service Lead who will inform the Head of Centre & Operations. Anonymous complaints fall outside of the scope of this procedure and the Service Lead in consultation with the Head of Centre & Operations will consider what action should be taken. The fact that the complaint is from an anonymous source should not in itself justify a decision not to pursue the matter. Nor should it rule out referral to others as relevant.

Persistent complainants

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who make unreasonably persistent complaints.

If the complainant is persisting because they think their complaint has not been heard in full, then the complaint will move to the next stage.

Features of a "persistent complainant" may include:

- A person who makes the same complaint repeatedly (with minor differences), but never accepts the outcomes
- A person who seeks an unrealistic outcome and persists until it is reached or a person with a history of making other unreasonably persistent complaints.

An unreasonably persistent complaint is likely to include some or all of the following:

- An historic and irreversible decision or incident
- Frequent, lengthy, complicated, and stressful contact with the service staff
- The complainant behaving in an aggressive manner to staff or being verbally abusive or threatening

The complainant changing aspects of the complaint partway through the investigation or at Stage Three

The complainant making and breaking contact with Midhurst Learning on an ongoing basis

The complainant persistently approaching the Service through different routes about the same issue in the hope of getting different responses.

There are a number of principles that Midhurst Learning can apply. Firstly, staff should continue to try and deal with the matter as in any other case and show that we are open and treating the complainant fairly but avoid giving any unrealistic expectations of the outcome of the complaint.

Where the relationship becomes unworkable, the team member concerned should ensure that they demonstrate that he has considered the complaints as fully as is appropriate.

This should normally be through advising the complainant that:

- They do not constitute a person who may complain and/or that their complaints do not fall within the relevant criteria for what may be complained about;
- Midhurst Learning has either offered, or provided, consideration of the issues through another procedure;
- Midhurst Learning will consider the substantive issues at all stages of the complaint's procedure;
- or the matters raised are not sufficiently different to justify being considered as a new complaint.

If a complainant continues to be unreasonably persistent and/or abusive to staff then the Head of Centre & Operations should write to the complainant and tell them that they believe that the complainant is being unreasonable, why they have formed that opinion, what action they will be taking, and the duration of that action – this is usually through restricted access.

This may be contact only with a designated officer; by telephone, or writing and only specific days or times, or asking the complainant to enter into an agreement about their future contact and if they do not cooperate with this then future matters will not necessarily be acknowledged but kept on file. They should also be advised that they can appeal this decision to the Head of Centre & Operations or the Group Chief People & Business Officer/Director.

Actions

- When a complaint is closed and a complainant persists, the Head of Centre & Operations may decide and inform the relevant staff to terminate contact with the complainant.
- The Complaints logs are fully completed.
- Complaints should be clearly recorded and uploaded on to the relevant data capture system and on the relevant file. If sensitive information is recorded, then these should be password protected / encrypted for access only to those on a need-to-know basis.
- Service staff report all complaints to the Head of Service on a monthly basis for Business Development, who maintain a central log of all service complaints received throughout the organisation.