

PROCEDURE FOR DEALING WITH COMPLAINTS ABOUT THE LEARNING AND SKILLS COUNCIL

Key Principles

1. The Learning and Skills Council (LSC) should be receptive to genuine expressions of dissatisfaction.
2. Complaints should be dealt with promptly, fairly and proportionately.
3. The LSC should seek to learn from complaints that are upheld and make changes where necessary.
4. Action taken as a result of complaints should help to improve the quality of the LSC's administration.
5. In dealing with complaints, the LSC will take account of its duty to promote equality and diversity.

Complaints Procedure

When we will investigate:

6. **We will usually investigate** complaints about the LSC's administration. This includes administration by the national office of the LSC, and by local learning and skills councils (LLSC). Complaints may include allegations of:
 - a. unsatisfactory, incompetent, arbitrary or unfair treatment;
 - b. undue delay;
 - c. non-compliance with published procedures, including those in relation to dealing with complaints about learning Providers;
 - d. non-compliance with the LSC's Publication Scheme under the Freedom of Information Act 2000;
 - e. non-compliance in relation to the requirements of the Data Protection Act 1998.

When we will not investigate

7. **We will not investigate** certain complaints:
 - a. from LSC employees where the LSC's grievance procedure would be appropriate;
 - b. which are contractual disputes;
 - c. which are being, or have been, considered by a court or similar body;
 - d. about learning Providers for which there is a separate complaints procedure. If the complaint is about how the LSC has investigated a complaint about a learning Provider, we will not re-investigate the substance of the original complaint but will only consider if it was dealt with appropriately;
 - e. where the complainant has not exhausted other available appeals procedures within the LSC.
8. The LSC will not usually investigate complaints more than 3 months after the decision or action was taken.
9. The LSC reserve the right not to investigate complaints considered to be vexatious or malicious.

Who will investigate:

10. Complaints should be made in writing to the Council Solicitor, Learning and Skills Council, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by electronic means to complaints@lsc.gov.uk. The Council Solicitor or the Complaints Administrator will take responsibility for acknowledging the complaint and responding once the complaint has been investigated.
11. The Council Solicitor may:
 - a. ask the appropriate National or Executive Director to investigate any complaint (investigating director) and provide information to the Council Solicitor to enable a response to be given to the complainant;
 - b. conduct the investigation into a complaint themselves or ask another member of the Legal Team to conduct the investigation;

- c. pass the complaint to the LSC's Review and Compliance Unit ("RCU") if it relates to fraud or allegations of financial irregularity;
- d. appoint external investigators to assist with any investigation.

What we will do:

- 12. If a complainant needs assistance in putting their complaint in writing the Council Solicitor or Complaints Administrator should consider how the LSC might assist.
- 13. On receipt of a complaint in writing the Council Solicitor should:
 - a. check that the matter is one which the LSC can investigate;
 - b. check if the decision or action complained about occurred more than 3 months ago. Where this is the case the LSC will not normally investigate, unless the complainant has good reason for the delay in making the complaint;
 - c. determine who should carry out the investigation.
- 14. Within five working days of receipt of a complaint in writing, by email or fax, the Council Solicitor or Complaints Administrator should acknowledge receipt and send a copy of this procedure to the complainant. The complainant should be told whether the complaint is one which the LSC will investigate and the target date for determining the complaint.
- 15. Within 10 working days of receiving the complaint, the Council Solicitor or Complaints Administrator should prepare a summary of the complaint. The summary should be sent to the complainant for approval.
- 16. The complainant should be given five working days to provide any response to the summary of complaint and the Council Solicitor or Complaints Administrator should consider any response from the complainant and, if appropriate, amend the summary of complaint. The agreed summary should be forwarded to the investigating director.
- 17. The investigating director, the Council Solicitor or other person appointed to carry out the investigation should send a summary of the complaint to the relevant director who has responsibility for action or decision which is the subject of the complaint. The relevant director should be asked to provide within 10 working days:-

- a. a response to the summary of complaint;
 - b. copies of all correspondence and other documentation relating to the matter being complained about;
 - c. confirmation that the information provided can be shown to the complainant.
18. If the person conducting the investigation cannot resolve the position on the information available, he or she shall arrange for the complainant and any other person to be contacted to obtain such further information as is required. If necessary the person conducting the investigation can arrange to meet with the complainant or the relevant director.
19. The investigating director should, on completion of the investigation, provide the Council Solicitor with:-
- a. the conclusions of their investigation;
 - b. copies of relevant correspondence and documents in relation to the complaint.
20. All investigations into a complaint **should normally be completed within 20 working days of agreeing a summary with the complainant.** If an investigation will take longer than this then the Council Solicitor should inform the complainant, setting out an explanation and revised timetable for a response.
21. Once a provisional decision has been made in relation to the complaint, the Council Solicitor should finalise the LSC response and consider what steps should be taken to respond to any aspects of the complaint which have been upheld, with regard to the key principles set out above.
22. Action may include the LSC agreeing to review, reverse or amend an earlier decision. When complaints are about the conduct of an investigation of a complaint about a Provider by a local learning and skills council (LLSC), the National Contract Service (NCS) or Structural and Learner Support Funds Division (SLSF), the Council Solicitor can request that the LLSC, NCS or SLSF re-investigate the issue within defined timeframes.

23. A final response should be sent to the complainant within 5 working days, together with details of any action to be taken. This concludes the complaint investigation.
24. If the complainant remains dis-satisfied they may complain to the relevant bodies set out below.

Complaints about non-compliance with the Freedom of Information Act 2000 or the Data Protection Act:

To the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 01625 535 745 or email data@dataprotection.gov.uk.

More information at www.dataprotection.gov.uk/index.htm

It is a matter for the Commissioner as to whether he will investigate your complaint.

Other complaints about the administration of the Learning and Skills Council:

From 16 December 2003, through the local Member of Parliament to the Parliamentary Commissioner, Millbank Tower, Millbank, London, SW1P 4QP. Telephone 0845 015 4033 or 020 7217 4163.

More information is available at www.ombudsman.org.uk

Timetable for LLSC or NCS complaints procedure. (RCU are excluded from these timescales).

