

## EXTERNAL COMPLAINTS POLICY & PROCEDURE

### Introduction

Janus CPD is committed to providing a good service and maintain standards to enhance the quality of experience and to ensure a positive experience throughout.

We encourage those seeking or receiving a service from us to raise issues of concern with our Administration or Senior Leadership Team to define and resolve problems informally before they escalate into a more formal complaint. This policy applies to those who are external to Janus CPD. Students are directed to policies and procedures within Moodle.

### Scope of the policy

We recognise that there may be instances when such informal resolution may not be possible and when a more formal process may be necessary. This document outlines both the informal and formal procedures which are followed in situations where a complaint may occur. The complaints process aims to:

- Be easily accessible
- Resolve complaints informally at local level wherever possible
- Encourage prompt review and decision making, with established time frames for action
- Ensure a full and fair investigation
- Respect complainants desire for confidentiality wherever possible
- Provide an effective response and appropriate redress
- Feed back into Janus CPD to ensure that service standards are maintained or improved

*‘Clear and accurate advice and guidance is available for those making a complaint, and for staff involved in handling or supporting complaints.’*

It is our belief that direct and personal communication about issues giving rise to complaints is the most effective and satisfactory way of resolving them and all complainants are urged to seek to resolve their complaint informally either before embarking on the formal procedure or at any stage during it.

A complaint is defined as:

*‘an expression of dissatisfaction about Janus CPD’s action or lack of action, or about the standard of service provided by or on behalf of Janus CPD’*

(OIA Good Practice Framework for handling complaints and academic appeals, 2016)

This procedure does not apply to:

- complaints relating to the conduct of students in training. These are dealt with under the Student Disciplinary Procedure
- anonymous complaints or those submitted by a third party. These will not be accepted.
- Students or staff members

# Janus CPD Ltd

## Frivolous, vexatious or malicious complaints

Complainants using this procedure in good faith may do so without fear of recrimination. Janus CPD provides opportunities to raise matters of concern without risk of disadvantage. However, making a frivolous, vexatious or malicious complaint will be regarded as an abuse of process and may result in legal action being taken.

The following are examples of frivolous, vexatious or malicious complaints, though the list is not exhaustive:

- complaints which tend towards aggression, obsession, harassment or which are designed to cause disruption, annoyance or harm
- unreasonable insistence on pursuing unmeritorious complaints and/or unrealistic outcomes
- insistence on pursuing meritorious complaints in an unreasonable manner
- demands for redress which lack any serious purpose or value

Where Janus CPD believes a complaint to be frivolous, vexatious or malicious, we will notify the complainant as soon as possible that consideration of the complaint is being terminated, giving reasons for the decision. We will also consider whether any other procedure should be invoked and, if so, will notify the Complainant accordingly.

## 1. Stage 1: Informal Resolution

- 1.1. Most complaints can be resolved informally and, where practicable, a complaint should be dealt with as soon as possible and as close as possible to the point at which it has arisen.
- 1.2. A complaint should be raised initially by telephone or email to [info@Janus-CPD.co.uk](mailto:info@Janus-CPD.co.uk)
- 1.3. A complaint should normally be raised within 2 months of the events complained about. Delay in making a complaint may hinder or prevent a proper investigation and resolution of the complaint.
- 1.4. 'Complaints procedures are conducted in a timely and fair manner.' Complainants should normally expect to receive a response to the complaint within 15 days of the member of Janus CPD staff receiving it.
- 1.5. If the Complainant is dissatisfied with the response at Stage 1 or if for any reason the complainant feels unable to raise the matter under Stage 1 procedures, the Complainant should pursue the matter under the formal procedure outlined in Stage 2 below.

## 2. Stage 2: the Formal Complaints Procedure

- 2.1 Those wishing to make a formal complaint should address their complaint in writing to [info@Janus-CPD.co.uk](mailto:info@Janus-CPD.co.uk) Complaints should be as specific and well documented as possible and include the Complainant's name and address, a clear description of the situation giving rise to the complaint, the dates and location of the events described, details of witnesses where appropriate, and any relevant supporting documentation. Any previous unsuccessful attempts at resolution should be detailed and Complainants should state what reasonable steps they believe should be taken to resolve the complaint. Complainants who have felt unable to raise the matter

# Janus CPD Ltd

- informally under Stage 1 of this procedure should also describe the reasons for not doing so. However, not raising a complaint under Stage 1 will not preclude the matter being investigated at Stage 2.
- 2.2 Janus CPD ‘ensures that appropriate action is taken following an appeal or complaint.’ The member of staff in receipt of the complaint (the investigating officer) will acknowledge receipt of the complaint as promptly as practicable but usually within 5 working days.
  - 2.3 The investigating officer will inform the person about whom the complaint has been made that a complaint has been received and clarify the nature of the complaint.
  - 2.4 The investigating officer will investigate the complaint and advise the Complainant in writing, normally within 20 working days from the date of the written acknowledgement of the complaint, of the outcome of the investigation. Should the complaint take longer than this to investigate, we will keep the Complainant informed of progress on a regular basis.
  - 2.5 If a complaint is upheld, the response will set out what action Janus CPD intends to take, for example a formal apology and a statement on how systems will be changed in the future. If a complaint relates to a member of staff which leads to the initiation of the appropriate disciplinary procedure, the Complainant will not be informed of the outcome of those procedures.

### 3. Stage 3: Review

- 3.1 If the Complainant remains unsatisfied by the outcome, the complainant may request a review of the investigation by writing to the Director of Training\* within 10 working days of receipt of the outcome of the investigation. The Director will have access to all prior correspondence and results of the initial investigation.
- 3.2 Where such a request is made, the Director will acknowledge receipt of the request within 5 working days and, within 30 working days, review the investigation to establish whether:
  - 3.2.1 The investigating officer has responded to all the substantive areas of the complaint
  - 3.2.2 There was any procedural irregularity in relation to the outcome determined by the investigating officer
  - 3.2.3 New evidence has come to light which was not, with reasonable diligence, available to the complainant at the inception of the formal complaint
- 3.3 Where the Director determines that there are grounds for review, they will review the case on such of the grounds listed above as may apply. The Director shall examine the evidence, call for such papers, examine such witnesses and conduct such other enquiries as they may think fit. The Director shall determine the nature of any subsequent action. The Director may consider that no further action is required in which case their decision is final and will conclude Janus CPD’s procedures.
- 3.4 The Director will advise the complainant in writing, normally within 30 working days from the date of the written acknowledgement of the review request, of the outcome of the review.

# Janus CPD Ltd

3.5 Should no request for review be made within 10 working days from receipt of the letter advising of outcome of the investigation into the complaint, the matter will be considered completed with no further recourse by the student through Janus CPD's complaints procedure.

## 4. Professional Bodies

In exceptional circumstances, where we would be required to report its findings to the appropriate professional body, and this would be wholly determinative or significantly influence an individual's right to practice in their chosen profession, legal representation may be permitted. In those circumstances, Janus CPD also retains the right to engage legal representation. All requests to progress complaints with legal representation should be submitted within 5 working days of request of an appeal.

The decision of the Director is the final stage of the Janus CPD complaints procedure. If the Complainant has completed all stages of this procedure but remains dissatisfied, they may be able to apply to a Professional Body. For transparency, Janus CPD will advise the Complainant where this is possible.

\*A representative may be appointed to this process if appropriate.