

## Complaints Policy

<b>Document Owner:</b> Head of Quality and Funding & Quality Director		
<b>Version No.</b>	<b>Date</b>	<b>Notes</b>
1	Jan 2018	Introduction and implementation of policy and process
2	Feb 2019	Annual review
3	Mar 2020	Annual review
4	Mar 2021	Updates: Communication process, new systems, staff updates
5	Jun 2021	Added Senior Manager sign off
6	Apr 2022	Update to personnel and ownership
7	Mar 2023	Update to personnel and ownership
8	Dec 2023	Links to external AO/EPA complaints policies, update to process relating to FS qualification regulators, update to escalation bodies (DfE) and other provision
9	Feb 2024	Update to branding
10	Nov 2024	Annual review (Lauren Waters) Reformatted HE procedures included within the policy
11	Mar 2025	Document owner title updated

## **1. Purpose and Scope**

1.1 We are committed to providing a high-quality service for our learners, clients and the community we serve and seeks to continually improve the quality of experience and strives to meet stakeholder expectations.

1.2 Cambridge Spark actively encourages learners to evaluate their Programme and overall experience by providing feedback through module evaluations and internal and external surveys. Any learner who is dissatisfied with their experience can express their concern or raise a complaint.

1.3 All complaints made under this policy and procedure, will be treated seriously and dealt with in a fair, objective, open and transparent manner.

1.4 There is an expectation from Awarding Organisations and partner universities that complaints are dealt with by the Cambridge Spark in the first instance. If the complaint is unresolved at that stage it can be pursued through the appropriate Awarding Organisation or the Office of the Independent Adjudicator for Higher Education (OIA) for specific provision funded as Higher Education, provided that the complaint is eligible under its rules. The OIA has been established to provide an independent scheme for the review of student complaints and can be contacted at [www.oiahe.org.uk](http://www.oiahe.org.uk). A complaint will not be considered by the OIA unless it is received within 12 months from the date of issue of the completion of procedure letter.

1.5 Complaints will be dealt with promptly and constructively. All complaints will be dealt with in confidence but shared with any person who may be the subject of a complaint. The outcomes of any complaint will be shared with the complainant and any staff involved. Complaints made which, upon investigation, turn out to be malicious, may result in disciplinary action.

## **2. Definition of terms**

For the purpose of this policy, Cambridge Spark defines a complaint as an expression of dissatisfaction by one or more individuals about the standard of a service, action or lack of action by or on behalf of the Cambridge Spark.

### **2.1 Scope of Complaints Procedure**

The Procedure deals with complaints arising from:

- Delivery (or lack of delivery) of services for education and training including teaching, course content, tutoring, assessment, feedback on progress and learner support during learning programmes.
- Incorrect or misleading information about services provided by Cambridge Spark.
- Delivery (or lack of delivery) of support services provided by Cambridge Spark including administration of fees, enrolment processes, health and safety and learner resources and Services.
- Unacceptable actions or behaviour by Cambridge Spark staff and/or other learners.

### **2.2 Separate procedures exist for:**

- Code of Conduct
- Malpractice and maladministration

- Appeals policy
- Whistleblowing policy

### **3. Key responsibilities**

The Head of Quality is responsible for:

- Logging complaints and monitoring response times.
- Recording and reporting on the outcomes of informal and formal complaints.
- Ensuring that central records relating to formal complaints are securely stored for a maximum period of six years.
- Ensuring all complainants are aware of their rights in relation to accessing personal data related to the complaint.
- Carrying out a full and balanced investigation into the complaint / review.
- Complying with the timescale for completion.
- Providing a written response to the complainant.

### **4. General Principles**

Any concern or complaint should be raised as soon as possible after the event has taken place in order that it can be investigated thoroughly and addressed in a timely manner. Complaints would not normally be considered if submitted more than three months after the issue or event occurred, unless there was a good reason why it could not have been raised sooner.

The college expects that the majority of complaints can be resolved at an early stage(stage 1 early resolution at local level), without the need to start formal procedures. Every effort will be made to resolve the issue locally through informal discussion and agreed actions. Where early resolution is not possible or does not result in a satisfactory resolution, a written formal complaint (stage 2 formal complaint) may be submitted.

The college expects to be able to collect appropriate information from all parties involved to ensure that a thorough investigation of a complaint can be made. As this will not be possible where a complaint is made anonymously, no formal action will normally be taken in the event of an anonymous complaint being raised.

Response deadlines may be extended outside of term-time due to the availability of the Head of Quality or if the investigation requires additional time to gain further evidence. In this case, the complainant will be notified.

Learners will not be disadvantaged as a result of raising a matter of concern or of making a complaint.

Cambridge Spark has the right to terminate its consideration of a complaint if it is believed to be frivolous or vexatious and will write to explain such reasons for this decision.

Frivolous or vexatious is characterised by:

- Complaints which are obsessive, persistent, harassing, repetitious.
- Insistence in pursuing unmeritorious complaints and/or unrealistic outcomes.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.

## 5. Data protection

It is expected that all learners will assume responsibility for communication with the Cambridge Spark and for drawing attention to any problems or concerns.

Where a complaint is received from a third party on behalf of a learner, Cambridge Spark will accept the complaint and therefore communicate with the parent / guardian or relevant third party only with the express written consent of the learner and only on receipt of such consent. Exceptions will only be made in the vital interests of the individual, such as where there is serious concern which may impact on the safeguarding or welfare of the individual.

All information received as a result of a complaint investigation will remain confidential to those involved in the process. No third party will be given more detail of the investigation than is strictly necessary in order to obtain the information required from them.

Cambridge Spark will ensure that it acts in accordance with legislative requirements, for example, data protection legislation, and with internal policies on confidentiality and the use of student data and complainant information.

## 6. Stages of the complaints procedure

A complaint cannot normally be taken to a next level until the previous level has been completed. The stages of the complaints procedure should be followed in the order as detailed below.

Complaints must be made in writing to the Complaints team: [complaints@cambridgespark.com](mailto:complaints@cambridgespark.com). Support can be made available for all those involved in a complaint including:

- Representation: from a parent, guardian, friend or supporter
- Documentation: assistance with completing the written complaint

Your learner Induction will also provide further details regarding this process.

### 6.1 Stage 1 Informal resolution of complaints

Cambridge Spark expects that the majority of complaints can be resolved at an early stage through informal discussion without needing to instigate formal procedures.

If an issue arises, the learner/stakeholder should bring the matter to the attention of the relevant staff (likely to be your coach/mentor/trainer or their Delivery Manager). The initial complaint may be made orally or in writing and the member of staff receiving the complaint should make a response within **10 working days**, orally or in writing. It is expected that staff are tactful and courteous in dealing with a complaint. If the complainant is dissatisfied with the response received, they should then be guided to using the formal procedure, outlined below.

To provide a record of discussions and outcome in case the matter is not resolved and needs to be taken to the next level, all informal complaints will be noted on the early resolution email (see

appendix 1) confirming actions and /or investigation taken to resolve. Both learner and staff member should be included in the email and sent to [complaints@cambridgespark.com](mailto:complaints@cambridgespark.com)

## 6.2 Stage 2 Formal Procedure

### Step 1- submit formal complaint

If the learner/stakeholder is not satisfied with the outcome of the stage 1 resolution, the complaint may be progressed further. Where a learner wishes to pursue a formal complaint, the complaint email should be completed (see appendix 2).

The formal complaint should be made within **15 days of the date of the early resolution response**. In exceptional circumstances, a longer period will be considered. The complaint should be submitted in writing and sent to: [complaints@cambridgespark.com](mailto:complaints@cambridgespark.com). It is important to include an outline of the nature of the complaint, what has been done to try and resolve the situation and the desired outcome. The complaint will be allocated out to the relevant manager or 'Head of' aligned with the particular complaint.

Should the complaint be about that particular individual then it will be handled by another relevant member of management. The complaint will be logged and **its receipt will be acknowledged inside 24hrs, with an initial response to the complainant within 5 working days.**

The Head of Quality will carry out an **initial assessment of the complaint within 72 working hours**. In most cases, complaints will be referred to the appropriate staff for investigation and report. More serious or unusual complaints will be investigated by the Head of Quality directly.

An appropriate senior manager/director will carry out an investigation of the complaint and may interview the complainant; the respondent; witnesses to the matter or events; and anyone they believe may have a role in establishing or disproving the complaint, as necessary. They will prepare a **summary and report back to the Quality Team within 72 working hours of the initial assessment.**

The Quality Team will record the outcome of the complaint and either arrange a meeting to deliver the outcome or notify all those involved in writing as appropriate. All outcomes will be confirmed in writing to all those involved.

If the complaint involves a learner, they will be offered support at the meeting. All learners will be encouraged to bring a supporter to the interview. Vulnerable Adults and those under 16 years of age must have the support of their caretaker, or a person of their choice, who can act as their advocate and the Quality Team must be informed.

The formal complaint will include, if not a full resolution, a detailed action plan including timeframes for resolution of the receipt of the original formal complaint. If it appears that a decision will not be reached within the due period, those involved will be advised of the need for a longer period.

If a learner is not satisfied with the outcome of the formal complaint stage they have **20 working days to request a review from the date of the formal complaint response letter.**

### Step 2 - Request a complaint review

The purpose of the review is to consider if the correct procedure was followed during the formal complaint stage and if the outcome was reasonable. In the case of new evidence, it will only be considered if it materially affects the outcome of the formal complaint. At review stage, we would not usually reconsider the issues or investigate further. The formal complaint stage must be completed before a review can take place.

If the expectations are beyond what can be considered at the review stage the quality team will inform the complainant in writing.

There are limited grounds for asking for the review, these are:

- There is new evidence for consideration which materially affects the outcome of the formal complaint.
- Not all of the evidence was considered when coming to a conclusion.
- Other procedural irregularity in step 1 of the formal complaint investigation process.

Where a learner wishes to pursue the complaint, the complaint review email should be completed (see appendix 3). The complaint should be submitted in writing and sent to: [complaints@cambridgespark.com](mailto:complaints@cambridgespark.com)

If the outcome is to reconsider the case, a review officer will be appointed to review the case. This would normally be a member of the college management team, who will be of equal or higher seniority than the initial Investigating officer from step 1. The complaint review will take up to a **maximum of 20 working days** from the date of complaint review request.

Students on university-validated courses will be provided with a complaint review response letter at the conclusion of stage 2, step 2 of these procedures.

Students on higher technical courses awarded by an Awarding Organisation or higher apprenticeships will receive a completion of procedures letter in accordance with guidance issued by the Office of The Independent Adjudicator.

#### **6.4 Step 3 – Referral to Validating Higher Education Institution or Awarding Organisation**

If the student remains dissatisfied, the complaint may be referred to the partner validating Higher Education Institution/ Awarding Organisation for consideration, as appropriate, under its own complaints policy. On request the Cambridge Spark will provide to the validating university all necessary evidence and details relating to the complaint. At the completion of their investigations the validating university will issue a completion of procedures Letter to the learner and also the Cambridge Spark detailing its decision and any further recourse the learner may have if still not satisfied with the outcome of the complaint.

#### **6.5 Escalation of Complaint - Awarding Organisations**

##### **Functional Skills**

Highfield Qualifications [complaints policy](#), or please contact the team on 01302 363277

NCFE [complaints policy](#), or please contact the team on 0191 239 8000

Should you still be unhappy with the outcome from your AO then your complaint can be raised to the qualification regulator OFQUAL. A representative from either Cambridge Spark or Highfields/NCFE will be able to provide you with contact details and any further details which may be required.

### End-Point Assessment

BCS [complaints policy](#), or please contact the team on 01793 417 417

Accelerate People [complaints policy](#)

AIM Assessment [complaints policy](#)

Academy 4 PM [complaints policy](#)

Pearson EPA [complaints policy](#)

The decision made will be final but this does not affect an individual's legal rights.

### 6.6 Escalation of Complaint - Apprenticeships

Where the response to an Apprenticeship complaint is not deemed to be satisfactory, and the complainant has exhausted any appeal opportunities, a complaint may be escalated to the Education & Skills Funding Agency (ESFA).

To confirm whether the ESFA are able to assist with a complaint, the complainant should visit their online [complaints procedure](#) and refer to the information detailed in the [Check we can handle your complaint](#) section. If the complaint can be addressed by the ESFA, the complainant should use the [enquiry form](#) to submit a formal complaint with the following attached evidence:

- details of the complaint, including key dates
- a copy of the original complaint you sent
- a copy of the final response to the appeal
- permission to disclose details of your complaint to the organisation concerned

Additionally, the ESFA can be contacted via the following methods:

Phone: 08000 150 600

E-mail: [helpdesk@manage-apprenticeships.service.gov.uk](mailto:helpdesk@manage-apprenticeships.service.gov.uk)

Post: Complaints Team, Education & Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

Website: <https://www.gov.uk/government/organisations/education-and-skills-funding-agency>

If you are unhappy with how the ESFA has handled your complaint then you can escalate to DfE: <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>

### 6.7 Escalation of Complaint - Skills Bootcamps

Where the response to a Skills Bootcamp complaint is not deemed to be satisfactory, and the complainant has exhausted any appeal opportunities, a complaint may be escalated to the Department for Education (DfE). As a learner:

*I understand that if I am not satisfied with any aspect of my Skills Bootcamp and wish to raise a complaint I should do so in the first instance with the supplier/delivery partner named above by*

*following their complaint process with full details of the issue. If I am not satisfied with how my complaint has been dealt with, I understand that I may write to the DfE [through their Whistleblowing and Complaints process](#).*

If you feel that your complaint has been handled poorly or Cambridge Spark have unduly delayed their response then you can complain about the handling of your complaint through this link: [Complain about the handling of your complaint](#). You will be required to provide the following information to DfE as part of this:

- The name of the Skills Bootcamp course and the training provider (Cambridge Spark)
- The details of your complaint, including key dates
- A copy of the original complaint sent to the training provider
- If available, a copy of the letter/email from the training provider setting out the final response to your appeal
- Permission to disclose details of your complaint to Cambridge Spark
- If you're acting on behalf of a learner, evidence of their permission to do so

## **6.8 Escalation of Complaint - Referral to The Office of The Independent Adjudicator For Higher Education**

### **(a) Courses awarded by a validating Higher Education Institute:**

Following a decision by the validating university, if the student feels that the issue has not been resolved satisfactorily it may be referred to the OIA, provided that the complaint is eligible under its rules. On request the Cambridge Spark will provide to the OIA all necessary evidence and details relating to the complaint.

### **(b) Courses such as Higher technicals or higher apprenticeships through and Awarding Organisation:**

In the case of students on higher technical qualification or higher apprenticeship courses the student may refer the complaint direct to the Office of the Independent Adjudicator (OIA), providing that the complaint falls within its remit. On request the Cambridge Spark will provide to the OIA all necessary evidence and details relating to the complaint. If the complaint does not fall within its remit, the OIA will notify the learner, forward a copy of the complaint to the awarding organisation and take no further action in respect of the complaint.

### **Review of the Complaints Policy and Practice**

Once a year the Cambridge Spark Senior Management Team will review the Complaints Policy and Practice to include:

- Number of complaints of each type
- Time taken to process complaints
- List of outstanding complaints
- Outcomes to complaints
- Results of appeals
- Analysis of complaints and outcomes by age, gender and ethnicity of the complainant.

If changes are required the Complaints Policy will be rewritten and all staff and learners will be informed. A record of all complaints for 6 years will be available to the relevant authorities for audit purposes.



## Appendix 1

Information to submit in email to [complaints@cambridgespark.com](mailto:complaints@cambridgespark.com).

### Stage 1 – Early Resolution at local level

1. **Learner Name:**
2. **Learner ID:**
3. **Programme:**
4. **Date complaint raised:**
5. **Staff name:**
6. **Outline of issue:**
7. **Resolution discussed:** If further investigation required, note date to be completed by and make arrangements to meet again to resolve within 10 day deadline

☐ **Resolution agreed:**

- ☐ **Yes**  
☐ **No**

☐ **Staff member included in the email**

☐ **Stakeholder included in the email**

☐ **Next stage of the HE Complaint Procedure has been confirmed to the student**

## Appendix 2

Information to submit in email to [complaints@cambridgespark.com](mailto:complaints@cambridgespark.com).

### Stage 2, Step 1– Formal Complaint

#### Part A

1. Learner Name:
2. Learner ID:
3. Contact telephone number:
4. Email address:
5. Programme:

#### Part B

You can only submit your complaint using this form if you have completed the Early Resolution stage

6. What was the outcome of the early resolution stage of your concern, and why are you not satisfied with it?

7. When did the early resolution stage end?

8. Who did you contact about your concern?

9. What did they do?

10. If you did not attempt early resolution, why not?

- ☐ I did attempt early resolution
- ☐ I did not attempt early resolution because:

11. For each issue you are complaining about, please indicate the service area, date and type of issue:

12. Are you making this complaint within 15 working days of raising the initial concern?

- ☐ I am making this complaint within one calendar month of raising the initial concern
- ☐ I am not making this complaint within one calendar month of raising the initial concern.

Reason:

**13. Your complaint – what happened? When did it happen? Who was involved? How were you affected?**

**14. What evidence are you providing?** Please label your evidence and describe what it is below. For example, Evidence A is an email sent to me from the college on (insert date). We will only consider your evidence if you have labelled it and described how it supports your complaint. Please submit as attachments in the email submitted.

**15. What outcome or further action are you hoping for?** We will only consider outcomes which are reasonable, and which are allowed by Cambridge Spark policies.

**16. Would you consider mediation to attempt resolution of your complaint?**

- ☐ I would consider mediation to resolve my complaint
- ☐ I would not consider mediation to resolve my complaint because:

#### **Your Declaration**

**by submitting this email you confirm the following:**

- I have read and understood the Complaints Policy and Procedure
- I understand that the Cambridge Spark will accept a complaint from learners, members of the public or third parties (if they are acting as the complainant's representative and the complainant has provided permission in writing to act under the requirements of the General Data Protection Regulations)
- I understand that the Cambridge Spark will assess my request to decide whether it meets the conditions to be considered under the Complaints Policy and Procedure
- I can confirm that the information given on this form and the supporting evidence is true and accurate
- I understand that the Cambridge Spark may need to share information with other persons or organisations as part of any investigation to resolve my complaint
- I understand that if my complaint is believed to be frivolous or vexatious Cambridge Spark has the right to terminate its consideration of this complaint and write to me to explain the reasons
- By submitting this form I authorise the Cambridge Spark to investigate my complaint.

## Appendix 3

Information to submit in email to [complaints@cambridgespark.com](mailto:complaints@cambridgespark.com).

### Stage 2, Step 2– Complaint Review

#### Part A

1. **Learner Name:**
2. **Learner ID:**
3. **Contact telephone number:**
4. **Email address:**
5. **Programme:**

#### Part B

6. **Reason for requesting a review** If you are not satisfied with the outcome of the formal complaint stage, you may be able to request a review of the formal complaint stage within one calendar month of receiving the outcome, if you can demonstrate one or more of the following grounds.
  - ☐ I have new evidence which I was unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal complaint stage
  - ☐ Not all of the evidence was considered when coming to a conclusion
  - ☐ Other procedural irregularity in Step 1 of the formal complaint investigation process
  
7. **Is your request for a review being made within one calendar month of the outcome of the formal complaint stage?**
  - ☐ I am requesting a review within one calendar month of the outcome of the formal complaint at Stage 2 Step 1 of the Complaints Procedure
  - ☐ I am not requesting a review within one calendar month of the outcome of the formal complaint at Stage 2 Step 1 of the Complaints Procedure because
  
8. **Using your chosen grounds for requesting a review, please say why you are not satisfied with the outcome of the formal complaint stage** Please do not repeat the information in your formal complaint form: you must indicate why you feel you have grounds to request a review (delete the grounds that are not relevant)
  - ☐ I have new evidence which I was unable, for valid reasons, to provide earlier in the process that would have had a significant effect on the outcome of the formal complaint stage
  - ☐ The new evidence could not have been provided earlier in the process because
  - ☐ The new evidence I have provided with this request would have significantly affected the outcome of the formal complaint in the following way(s)
  - ☐ Not all of the evidence was considered when coming to a conclusion
  - ☐ The following evidence was not considered
  - ☐ This has had the following significant effect on the outcome of the formal complaint
  - ☐ Other procedural irregularity in Step 1 of the formal complaint investigation process
  - ☐ The correct procedure was not followed in Step 1 in the following ways
  - ☐ This has had the following significant effect on the outcome of the formal complaint

**Part C**

- 9. What evidence are you providing?** Please label your evidence and describe what it is below. For example, Evidence A is an email sent to me from the college (insert date). We will only consider your evidence if you have labelled it, and describe how it supports your request for a review. Please submit as attachments in the email submitted.

**Your Declaration**

**by submitting this email you confirm the following:**

- I have read and understood the Complaints Policy and Procedure
- I understand that the Cambridge Spark will accept a complaint from learners, members of the public or third parties (if they are acting as the complainant's representative and the complainant has provided permission in writing to act under the requirements of the General Data Protection Regulations)
- I understand that the Cambridge Spark will assess my request to decide whether it meets the conditions to be considered under the Complaints Policy and Procedure
- I can confirm that the information given on this form and the supporting evidence is true and accurate
- I understand that the Cambridge Spark may need to share information with other persons or organisations as part of any investigation to resolve my complaint
- I understand that if my complaint is believed to be frivolous or vexatious Cambridge Spark has the right to terminate its consideration of this complaint and write to me to explain the reasons
- By submitting this form I authorise the Cambridge Spark to investigate my complaint.

**Senior Manager Sign-off**

Name: Raoul-Gabriel Urma

Title: Group CEO

Signature:   
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Date: 05 March 2025