



The London Borough of Merton

MAL Complaints Policy 24-25

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Introduction

The London Borough of Merton is committed to providing high quality and sustainable adult learning to improve the social, economic, health and wellbeing outcomes of our residents. We deliver this through a strategic investment approach: commissioning provision to the best delivery partners in the field and by developing sophisticated evidence-based approaches to what we deliver.

Within this document 'partners' refers to delivery partners listed on the Merton Adult Learning Approved Provider List (APL).

The Service operates through a commissioned learning service with partners across Merton. We work in partnership with representatives from these organisations to agree where responsibilities lie in relation to complaints and ensure relevant information is made available to Merton Adult Learning (MAL) and our learners.

Partners are required to have a robust complaints policy in place and to manage learner satisfaction to meet the service and MAL standards.

We welcome our learners' views and use them to improve our service. The purpose of this policy is to provide a framework for dealing with complaints, comments, and compliments. It explains our processes and our obligations to our learners and the role of the Local Government Ombudsman.

MAL aims to provide excellent services to all our learners, but occasionally things go wrong. Complaints give us the opportunity to put things right.

Our complaints policy aims to ensure that learners:

- know where and how to complain,
- receive an acknowledgement and information on the progress of their complaint,
- receive an appropriate response with prompt and adequate action when we have failed to provide a satisfactory service.

The first point of contact for our learners in respect of complaints, comments or suggestions is with the partner where the learning is taking place. However, referral / direct contact can be made to the MAL team if:

- The learner has previously made a complaint and no response has been received from the partner within 20 days or if they are unhappy with the response from the partner and wish to escalate the complaint to stage 2.

Where complaints are received by MAL, we aim to respond to learner feedback in a consistent and professional manner and use complaints to shape our services by providing regular reports about the complaints we receive.

This policy is reviewed annually, or before in the event of any significant changes to guidance or policy.

Definitions

A complaint is:

An expression of dissatisfaction about MAL, Merton Council, or a partners action or lack of action, or about the standard of a service, whether the action was taken by MAL or a partner itself or a person acting on behalf of MAL or a partner.

A comment is:

An opinion or belief, feedback or remark expressed by a learner. Where the learner indicates they expect a reply, or where it is otherwise thought appropriate to do so, will be dealt with as general correspondence.

A compliment is:

Defined as a learner statement of positive recognition or praise for a service or individual. Where appropriate, managers may acknowledge compliments.

Scope of the complaints policy

There are a few types of complaints that are not covered by this procedure; these include:

- complaints regarding a partner that are not associated with MAL learners.
- complaints from contractors or potential contractors relating to the award of contracts.

There are other issues we cannot investigate because there is a more appropriate body to deal with it. Where this is relevant, we will provide advice on the procedure.

Complaints may be linked to other processes such as legal proceedings, insurance claims or disciplinary proceedings. Sometimes it will not be possible to resolve the complaint whilst the proceedings are ongoing. Learners will be advised that any action may not be suspended during the investigation, but if a complaint is upheld we will endeavour to rectify the situation.

In addition, we will generally not investigate complaints relating to issues over 12 months old.

Some complaints are expressions of dissatisfaction with a policy, as opposed to failure to meet service standards. Such complaints will be treated as Stage 1 complaints. A response will be sent explaining that the complaint made relates to a policy area, and that it cannot be pursued further through the complaints system. Learners will be provided with a copy of the policy together with details of how it was agreed.

Learners may appeal against the decision to classify their complaint as a policy issue rather than a performance complaint, and this right will be made clear in the Stage 1 reply above. Any such appeal will be treated as a Stage 2 complaint.

Complaints procedure

A complaint to a partner or MAL should be:

- by letter or e-mail,
- by telephone,
- in person by arranging a meeting.

When a complaint is made verbally, the recipient will record the details of the complaint and the outcome the learner is seeking. If the recipient can quickly resolve the complaint they will do so. Otherwise details of the complaint and the desired outcome will be agreed with the complainant.

If a complaint cannot be resolved within 48 hours of it being submitted, or if the complainant requests a formal investigation, the complaint will be dealt with under Stage 1 of this policy.

Stage 1 complaints: Will be acknowledged within 3 working days including an explanation of the complaints process and the timescale for dealing with the complaint.

Any investigation will be by a member of the partners complaints team and agreed by their service manager. Where the complaint names a member of staff they will be informed of the complaint and given the opportunity to comment but will not be responsible for providing the response to the complainant. Where necessary another service manager may be requested to provide an investigating officer.

A response, including any investigation detail, will be sent to the complainant within 20 working days. Where an email address has been provided the response will be sent by email unless a paper copy has been requested. Letters will be posted within 20 working days, although delivery dates may be later. Occasionally it may not be possible to conclude an investigation and respond within 20 working days. In these circumstances the investigating manager will inform the complainant of the reasons for the delay and the expected response date. Performance against the 20-working day target will be reported on a regular basis.

Stage 2 complaints: Where a learner is not satisfied that all aspects of their complaint have been addressed and they wish to escalate it, the learner and/or partner will inform MAL within 25 working days of receiving the response, stating what aspects of the response they are dissatisfied with and their desired outcome. Reasonable constraints to meeting this time limit, illness for example, will be considered. The learner should provide any additional or further information that may affect the outcome of the response.

A Stage 2 investigation reviews the investigation and outcome of a Stage 1 complaint, and may also look at clusters of informal or Stage 1 complaints about a particular service issue to identify potential improvements to services.

Stage 2 investigations will be conducted by the MAL Service Manager.

In some service areas, where appropriate MAL will request a senior manager in the service to conduct/prepare the response. The investigator will have access to any information or officers required to complete the investigation.

Stage 2 investigations will usually be completed within 25 working days. Where this is not possible MAL will inform the complainant of the reasons for the delay and the expected response date.

A log of Stage 2 complaints will be maintained by MAL and updates provided to senior management.

The Local Government Ombudsman

If a learner is still not satisfied that their complaint has been resolved through the complaints procedure, they can complain to the Local Government Ombudsman (LGO). The LGO is an independent national service that investigates complaints of injustice arising from maladministration by the council. Learners can complain to the LGO at any time, but they will usually refer a complaint back to MAL if it has not been through all stages of the complaint procedure. Information can be found on their website <https://www.lgo.org.uk/>

Where an urgent or exceptional case arises, and the MAL complaint procedure may not be in the best interest of the learner, or where the complaint cannot be resolved by a partner or MAL, an early referral may be made to the Ombudsman.

Equality

All reasonable efforts will be made to ensure that learners who need support have full access to the complaints process. This may be where they have a physical or sensory impairment, learning disabilities or for learners who are less familiar with English.

In some circumstances the partner or MAL will offer face-to-face support or advocacy to those who may need help in making a complaint. Complainants are encouraged to seek support from friends and other representatives. Help may be available via:

Merton Link www.merton.gov.uk/contact/mertonlink.htm

Merton's Citizens Advice Bureau www.caml.org.uk

Merton's Translation Service <https://www.merton.gov.uk/communities-and-neighbourhoods/translating-and-interpreting-services>

Making a complaint on behalf of someone else

For reasons of learner confidentiality, MAL will only accept complaints from a representative under certain conditions.

- where MAL is sure that the service user has consented verbally or in writing,
- where the complaint is made by an elected representative acting on their constituents' behalf,
- Where the service user cannot complain unaided and cannot give consent because they lack capacity within the meaning of the Mental Capacity Act 2005, and the representative is acting in the service user's best interests – for example, where the matter complained about, if true, would be detrimental to the service user.

Confidentiality

Information supplied through the complaints process will be treated as confidential by partners and MAL. However, it may be necessary to share information between partners, MAL or a third party to resolve the complaint. Information provided will be used to improve services and resolve complaints.

Anonymous complaints will be considered under the complaints policy and any anonymous complaint or comment that relates to vulnerable people or those who might be at risk will be investigated and acted upon immediately. However, in some circumstances it may not be possible to investigate an anonymous complaint. If a learner has concerns about giving their name, they should speak to the partner or MAL who can answer any questions about how the complaint will be handled.

Putting things right

Where MAL or a partner has made a mistake or failed to meet service standards, consideration will be given to put the complainant back in the position they would have been in before things went wrong. Some complaints may be resolved by correcting mistakes, or there may be a change of procedures to prevent future difficulties of a similar kind, either for the individual learner or generally.

Complaints performance, monitoring and reporting

Information to be recorded:

- The number of complaints received.
- The issues complained about and which partner.
- Whether the complaint involves discrimination or harassment.
- The length of time taken to respond to the complaint, compared with the timescales set out in this policy.
- Whether the complaint was upheld.

MAL will review any direct complaints received and those in respect of partners during monitoring meetings and as a part of quality assurance. Actions will be agreed to address any shortfall areas.