

MIAP Complaints and Appeals Guide

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Introduction

1.1 Purpose

This guidance note is aimed at the Learner Registration Bodies (LRB). It covers MIAP's general approach and policy on dealing with complaints and appeals from learners made to an LRB or from an LRB's staff about the Learner Registration Service (LRS).

1.2 Audience

This document is intended for organisations that are registered on the Learner Registration Service.

1.3 Scope

This document only covers guidance on complaints and appeals procedures relating to the MIAP Learner Registration Service.

This guidance has been provided so that a consistent approach is applied whether a complaint or appeal relates to:

- Service provided by MIAP
- The LRS systems
- Decisions made by the MIAP management
- Dealings you have with MIAP
- Our website
- Communications with MIAP

It does not cover complaints about a person's Personal Learning Record. Please refer to the data challenge process.

2 Complaints

Complaints can be about any aspect of the service which we offer, or even about an aspect which we don't currently offer and the complainant believes MIAP should.

If a complaint arises from a Learner or any member of the public then first attempt to address this using your own complaints procedure.

If the complaint relates not to you but to the MIAP Learner Registration Service in any way then use the MIAP complaint procedure.

2.1 How to raise a Complaint

If any staff member within your organisation has a complaint then pass them to your Super User, who will raise a complaint on behalf of your LRB.

Complaints should be made in writing to the MIAP Service Team, Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by email to lrssupport@miap.gov.uk.

In a complaint please provide the following:

- Complaint contact details
- Complaint details (include dates of the issue, names or case numbers if possible)

If a complaint is about a decision that MIAP has made in regard to a case then please refer to the Appeals procedure.

If a complaint is about the details of ULN records then please consider a data challenge first.

2.2 Key Principles

1. MIAP will be receptive to genuine expressions of dissatisfaction.
2. Complaints should be dealt with promptly, fairly and proportionately.
3. MIAP 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 MIAP services.
5. In dealing with complaints, MIAP will take account of its duty to promote equality and diversity.

2.3 Complaints Procedure

When we will investigate:

1. Check that the matter is one which MIAP can investigate. MIAP will usually investigate complaints about MIAP administration. Complaints may include allegations of:
 - Unsatisfactory, incompetent, arbitrary or unfair treatment.
 - Undue delay.
 - Non-compliance with published procedures.
 - Non-compliance with the Freedom of Information Act 2000 and non-compliance in relation to the other requirements of the Freedom of Information Act.
 - Non-compliance in relation to the requirements of the Data Protection Act 1998.

MIAP will not investigate certain complaints:

- From Skills Funding Agency employees where the Skills Funding Agency's grievance procedure would be appropriate.
- Which are being, or have been, considered by a court or similar body.
- About Learning Providers for which there is a separate complaints procedure.
- Where it is about a decision and the complainant has not exhausted other available appeals procedures (see **Appeals** process).
- If the action complained about is more than three months ago, unless the complainant has good reason for the delay in making the complaint.
- MIAP reserves the right not to investigate complaints considered to be vexatious or malicious.

What we will do:

1. On receipt of a complaint in writing MIAP will:
 - a. Check that the matter is one which MIAP can investigate;
 - b. Check if the decision or action complained about occurred more than three months ago. Where this is the case the Skills Funding Agency will not normally investigate, unless the complainant has good reason for the delay in making the complaint; and
 - c. Determine who should carry out the investigation.

2. If the complaint is valid then within five working days of receipt of a complaint in writing by email, letter or fax MIAP will send a **Complaint Summary** to the complainant with a target date for returning a response.
3. The complainant should be given five working days to provide any response to the summary of complaint and MIAP will consider any response from the complainant and, if appropriate, amend the summary of complaint.
4. All investigations into a complaint should normally be completed and a response to the summary of complaint be provided **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.
5. Conclude the complaint investigation.
6. If the complainant remains dissatisfied 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 Skills Funding Agency:

To the Agency Solicitor, Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or by electronic means to complaints@skillsfundingagency.bis.gov.uk.

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

3 Appeals

When should you appeal rather than raise a complaint? The decisions MIAP makes about complaints will be provided in writing to customers. Customers will be advised in writing of their right of appeal and be informed that they have five working days from receipt of the written notification to lodge an appeal. An appeal can be made when you disagree with a decision made by MIAP.

Appeals can relate to:

- Registration decisions.
- Web service access.
- Compatibility check decisions.
- MIAP Policy.
- Data challenge decisions.
- Etc.

If a learner disagrees with a change in their Personal Learning Record then please consider a data challenge first before using the appeals process.

3.1 How to raise an Appeal

- 1 Consider the impact of the decision made by MIAP internally within your own organisation and consult with your senior manager as to the appropriate course of action.
- 2 If after consideration and approval by your management, you wish to raise an appeal then contact the MIAP Helpdesk who will email to you a MIAP Appeal form or you can obtain the form directly from the MIAP website.
- 3 Complete the form with the details of the original case, why you are appealing the decision and return to the email address on the form. If no case is found it will be impossible to understand the trail of the original request and the outcomes decided upon or identify who dealt with the original case.

3.2 Appeals procedure

When to Appeal

- 1 You may appeal on the grounds that:
 - New evidence has come to light which was not available at the time of the original decision.
 - The procedures were not followed.
 - The decision reached was not reasonable on the basis of the evidence presented.

- The appeal hearing will focus on the grounds for appeal. New evidence must be examined and the employee must be allowed to comment on it.

What we will do:

- 1 Review the case history and the reason for the original decision and any subsequent appeal decisions in the case.
- 2 Consider the reasons and justifications put forward by the appeal originator and if necessary contact the originator for further details.
- 3 Provide a final response letter (via letter or email) outlining the response to the original appeal.

Outcome of the Appeal

- 1 The following action is available:
 - To confirm the original decision.
 - To uphold the appeal.
 - To substitute a lesser penalty.
 - In addition to any of the above, to make recommendations to management.
- 2 A written appeal response will be completed within 35 working days from receipt of your appeal.
- 3 Where an appeal is upheld, this may reveal an internal issue and action should be taken as appropriate.
- 4 The decision is final. There is no further internal right of appeal you must follow the complaints procedures to take any dispute further.



**MIAP
Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT**

**T: 0845 602 2589
F: 024 7682 5681
www.miap.gov.uk**

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