

Functional Skills UK Appeals and Complaints Policy

Appeals and Complaints Policy and Procedure

Policy Statement

We define a complaint as any expression of dissatisfaction with our service which calls for a response.

Candidates (including Apprentices) accessing our training from any funding pathway have the right to launch a complaint against their Tutor/On Programme Assessor and/or appeal against an assessment decision if they feel that the decision is unfair. Functional Skills UK (FSUK) will treat all complaints fairly and without prejudice. In return we expect that any candidate launching a complaint will also treat our staff dealing with your complaint with the same courtesy, respect and fairness

Complaints

If a candidate wishes to make a complaint about a course, a tutor or a facility then in the first instance FSUK Centre Managers should be made aware in writing, either via email or post:

Charlie Dew and Luke Hardy

Functional Skills UK, Skills House, 2 Gordon Mews, Gordon Close, Portslade, BN41 1HU

charlie@functionalskillsuk.com

luke@functionalskillsuk.com

If you require a reasonable adjustment because you are a disabled person and unable to contact us in writing, please call: 01273 434400.

FSUK management will deal with your service complaint promptly. We will acknowledge receipt of a written complaint within five working days where we have a return address and you can expect to have a full reply within 20 working days. If we do not have all the details required to deal with the complaint, we may contact you and ask you for further information. In a few cases we will not be able to send a full reply within 20 working days of receipt, for example if your complaint is very complex or requires us to liaise with an awarding body. If this happens, we will tell you the reason why and let you know when we will be able to reply in full, keeping you fully informed of progress.

We will not treat you less favourably than anyone else because of your:

- sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
- sexual orientation
- colour or race: this includes ethnic or national origin or nationality

- disability
- religious or political beliefs, or trade union affiliation
- any other unjustifiable factors, for example language difficulties, age, pregnancy and maternity.

If the resolution we have offered you is unsatisfactory then you will have the option to go to our Managing Director – Paul Smith and explain in writing your reasons – paulsmith@brightonswimmingschool.com

If you are an apprentice with us your complaint will not affect your apprenticeship training or funding.

Confidentiality - All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998, subject to the need to disclose information as required by statutory authorities, and/or because of statutory, legal or parliamentary obligations placed on the Commission.

1 Appeals procedure

If the Candidate feels that they have a justified reason to appeal against the assessment made by their Course Tutor /On programme tutor or the Internal Verifier then the following procedures should be followed:

- 1.1 A Candidate's first line of appeal is to their Tutor/On Programme Tutor. It should be made in writing and clearly explain the nature of the appeal. A copy should also be sent to the Centre Managers.
- 1.2 The Tutor/On Programme Tutor is required to respond to the appeal in writing within 10 working days and a copy be sent out the Centre Coordinator and the Internal Verifier.
- 1.3 The Course Tutor/On Programme Tutor may either confirm the original assessment or revise it.
- 1.4 The Candidate can either accept this assessment or proceed with the second line of appeal.
- 1.5 The Candidate's second line of appeal is to their Internal Verifier. This again should be made in writing including all relevant details and any supporting evidence. A copy should also be sent to the Centre Managers.
- 1.6 A panel made up of the Internal Verifier and two Assessors will meet to judge the evidence.
- 1.7 Within 7 days of the appeal being received the Candidate will be informed in writing of the decision reached.

1.8 The panel will either confirm the original assessment or support the appeal and reach an agreement with the Assessor and Candidate based on the evidence provided. In the unlikely event of a disagreement between the Course Tutor and the Internal Verifier with regard to the assessment the decision of the Internal Verifier will prevail.

1.9 In the event that the Internal Verifier/Panel is unable to make a decision or the candidate still feels that the decision is unfair then the next line of the appeal is to the External Verifier. For the Internal Verifier this must be done in the form of a report for the Candidate this must be done in writing.

1.10 The External verifier may confirm the original assessment, support the appeal on the evidence provided or obtain further advice from the Chief Verifier or such higher bodies as are relevant.

1.11 If a satisfactory conclusion for the Candidate is not reached by this stage then they may:

1.12 Appeal directly to the relevant awarding body, a fee for handling such appeals will be chargeable to the Candidate. This will only be refunded if the appeal is upheld.

1.13 Be required to be reassessed in a specific assessment area or against the total assessment criteria. In this situation a fee equal to that charged by the awarding body will be made to the Candidate.

During the RLSS NPLQ courses candidates are assessed by external assessors, not their course tutor. Therefore, for Pool Lifeguard qualifications in the first instance a complaint needs to be submitted to the Approved Training Centre Co-ordinator. For lifesaving qualifications an appeal needs to be made to RLSS UK Branch Lifesaving Co-ordinator. For further information see Page 9 of the RLSS code of practise (copy kept in FSUK office).

For Active IQ: If an individual wishes to appeal against a decision taken by a centre it must first of all go through the centre's appeals process before bringing the matter to Active IQ. (Full copy of Active IQ appeals policy kept in FSUK Office)

For Highfield, if an individual wishes to appeal against a decision taken by a centre it must first of all go through the centre's appeals process before bringing the matter to the Highfield. (Full copy of appeals policy kept in FSUK Office)

In all of the above instances, further escalation is available to the Qualification Regulator e.g. Ofqual. Please do so if a learner is still dissatisfied with the outcome from any of the above Awarding Bodies

Learners enrolled on behalf of Prime Further Education Providers.

Learners enrolled via a funded learning programme on behalf of our Prime Learning Providers detailed below have the right to take any issue up directly with them directly.

Brighton and Hove City Council - [Brighton & Hove City Council \(brighton-hove.gov.uk\)](https://www.brighton-hove.gov.uk)

West Sussex County Council - [Contact us - West Sussex County Council](#)

Gravesham Council - [Contact us – Gravesham Borough Council](#)

Various Functional Skills partners – see Functional Skills Manager

Paul Smith is ultimately responsible for ensuring this policy is carried out, that it is fit for the purpose, relevant and complies with legislation.

This policy applies to staff employed by Functional Skills UK Ltd t/a Swim UK, Gym UK and Pavilion training, Brighton Swimming Centre Ltd and Brighton Swimming Centre Ltd t/a Brighton Swimming School, Pool to Pier and any other brands adopted by either company

Signed:



Name & Position: Paul Smith MD

Date: December 2024

Review Date: December 2025