

# Complaints and Appeals Policy



**SEMESTER**  
LEARNING & DEVELOPMENT

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## Version History

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## 1. Introduction

This policy should be read in conjunction with other relevant Semester Learning and Development Limited (**Semester**) policies and procedures, including:

- **SEM-P001** – Equality, Diversity and Inclusion Policy
- **SEM-P006** – Data Protection Policy
- **SEM-P008** – Safeguarding Policy (Keeping Apprentices Safe)
- **SEM-P009** – Apprentice/Learner Code of Conduct
- **SEM-P012** – I.T. Policy
- **SEM-P014** – Assessment Policy
- **SEM-P017** – Whistle Blowing Policy
- **SEM-P018** – Distance Learning and Cyber Security Policy

## 2. Purpose

The purpose of this document is to define the procedure to be used when making and managing appeals, complaints and grievances, as adopted by Semester Learning and Development (Semester).

## 3. Scope

This document is for the use by staff, learners, apprentices and their supporters. This procedure is written to give a practical vehicle with which to make and manage appeals, complaints and grievances.

## 4. Definitions

### Appeal

An appeal is a request to over-turn or change an official decision – in this context it relates to assessment decisions made as part of the learning and development process.

### Complaint

A complaint is an objection to something that is unfair, unacceptable, or otherwise not up to normal standards. A complaint, in this context, could be linked to any of the processes used for attraction, recruitment, selection or assessment and could also be linked to claims of bullying, harassment, victimisation or any other form of unfair or prejudiced treatment.

### Grievance

A Grievance is a real or imagined cause for complaint; especially unfair treatment. It can be defined by a feeling of resentment. A grievance, in this context, could be a cause for complaint linked to any of the processes used for attraction, recruitment, selection or assessment and could also be linked to claims of bullying, harassment, victimisation or any other form of unfair or prejudiced treatment.

## 5. Appeals Procedure

In cases where learners/apprentices are dissatisfied with any judgement made about their performance, or assessment decisions reached regarding their Learning and Development, they have the right to appeal. The learner's/apprentice's dissatisfaction may arise from circumstances of an assessment or the outcome of an assessment. Whatever reasons are behind the initiation of an appeal, Awarding Organisations take the view that the lodging of an appeal indicates there is a problem and that the problem needs to be reviewed and resolved. In most cases the learner/apprentice should speak to the assessor in the first instance and give the assessor an opportunity to discuss, clarify and reach an agreement with the learner/apprentice. If it is not possible to resolve the matter in this instance, an Appeal must be lodged.

The learner/apprentice must notify the assessor of an appeal within 5 working days of receiving the assessment decision, by completing and submitting the Appeals, Grievance and Complaints Form found in Appendix A of this document. The assessor will respond to the learner/apprentice within 5 working days of being notified of the appeal. It is important to try to resolve all matters at the local level before embarking on a more formal appeals process.

If the appeal is not resolved, the learner/apprentice is required to make a written appeal to the Quality and Compliance Manager within 5 working days of receiving the response from the assessor. The Quality and Compliance Manager will consult with the assessor and the Internal Quality Assurer (IQA) involved in the judgement. The assessment decision (based on the learner's/apprentice's performance) will be internally quality assured to determine the validity of the appeal. The Quality and Compliance Manager will respond in writing to the learner/apprentice within 5 working days of being informed in writing of the appeal.

It is hoped and expected that in most cases, the appeal can be resolved locally. In cases where it is not possible to resolve the appeal locally, the learner/apprentice can pursue the appeal through the Awarding Organisation, and the decision of the Awarding Organisation will be final in these cases. Details of how to pursue an appeal through the Awarding Organisation can be obtained from the Quality and Compliance Manager, on request.

The Quality and Compliance Manager is responsible for ensuring that Internal Quality Assurance (IQA) team and the delivery and assessment team are aware of the appeals procedure. Learners/apprentices are to be made aware of the procedure during their induction and throughout their training programme.

The result of any investigation into an appeal, together with any remedial action taken, where appropriate, is to be used to improve the quality of the assessment process.

## 6. Grounds for Appeal

The following examples are recognised as grounds for an appeal against an assessment decision, which is pursued by the appeals process:

- Procedural or organisational irregularities in the conduct of an assessment
- The assessment did not follow the assessment plan for the unit or module
- Misleading information in relation to the assessment has been given
- Insufficient or inappropriate instructions or guidance has been given
- Insufficient opportunity to be able to demonstrate competence has been provided

## 7. Grievance and Complaints Procedure

There may be instances where an employee, learner or apprentice could have a grievance or complaint against a Semester representative; examples of which may be continually failing to make prearranged appointments or unprofessional behaviour. Other examples of grievances could be concerned with matters relating to Equal Opportunities, Harassment, Discrimination or Diversity and again these can be reported by using the Appeals and Grievance Form if necessary.

### 7a. Informal Process for Grievance or Complaints

In the first instance, and throughout the process, if an employee, learner or apprentice feels that they have a grievance or complaint, they may seek informal guidance from their line manager, mentor, tutor or assessor.

Wherever possible, in each case, if the person feels able, they should make it clear to the person being complained about that the behaviour is unwelcome and/or offensive or unprofessional. If it is too embarrassing for the individual to do so, the complainant should ask their line manager, mentor, tutor or assessor to make the initial approach to the person being complained about. However, if the person being complained about is their own line manager, then the individual should initially approach their line manager's manager.

The matter may be mutually and informally resolved at this local level where it is considered to be a practical and appropriate solution by the complainant. Every effort must be made to resolve issues locally.

The informal stage should serve as an opportunity to remind individuals of the expected standards of behaviour and the consequences of breaching those standards.

A written record of any informal action must be kept on record. This activity must be carried out by the person dealing with the complaint. Use of the informal stage will not affect the right of the complainant to make a formal complaint which could lead to formal action being taken.

## 7b. Formal Process for Grievance or Complaints

If an employee or learner's/apprentice's complaint cannot be resolved informally, a formal process as per the Semester Complaints and Appeals procedure should be used.

A complaint should be made in writing using the process and form within this Complaints and Appeals procedure. The complainant should set out the full details of the complaint which should include:

- The name of the person accused of unprofessional conduct, the discriminator or harasser or bully;
- The conduct complained of, including words and actions;
- Any relevant dates and times at which the conduct occurred.

Each side will have an opportunity to put their side of the case across and have an opportunity to respond.

Following the investigation, the findings and any recommendations will be communicated in writing to both parties. The complainant will have the right to appeal.

If the case is substantiated, a disciplinary hearing may be convened. In such cases the Company disciplinary procedure will apply.

The Company will undertake to do everything possible to prevent any re-occurrence of any substantiated discriminatory behaviour or practices.

Grievances or Complaints should be formally recorded using the Appeals and Grievance Form contained in Appendix A. Once the form has been completed, it should be emailed to the Quality and Compliance Manager ([ali@semesterlearning.com](mailto:ali@semesterlearning.com)). An initial response to the grievance/complaint should be received within 10 working days of receipt.

## 8. Whistleblower

When making an allegation, it is helpful to us if you would provide as much information and supporting evidence as possible to inform and support any investigation we carry out.

It is not essential to have clear evidence before making an allegation under this policy, but you will need to explain, as fully as you can, the nature of the allegation or circumstances that give rise to your concerns.

We will always aim to keep the identity of the person making the allegations confidential, where asked to do so, although we cannot guarantee this. We may need to disclose their identity should the allegation lead to issues that need to be taken forward by other parties such as:

- the police, fraud prevention agencies or other law enforcement agencies (to investigate or prevent crime, including fraud)
- the courts (in connection with any court proceedings)
- the relevant regulatory authority (e.g. Awarding Organisation, Ofqual)

To raise concern under these whistleblowing arrangements, please contact the Quality and Compliance Manager ([ali@semesterlearning.co.uk](mailto:ali@semesterlearning.co.uk)).

### **8a. Outcomes of an Investigation**

If the investigation results in a proven case of malpractice or maladministration, we will take action against the relevant parties in accordance with our Malpractice and Maladministration Policy.

If the allegation is not proven by the investigation, provided the whistleblower did not deliberately raise an allegation which they knew to be untrue, no action will be taken against them.

If the allegation was made due to a genuine misunderstanding, the individual(s) (e.g. centre personnel, learner/apprentice) who have been the subject of the investigation will be expected to bear no malice or ill feeling towards their accuser. The Operations Manager must ensure that centre personnel do not mistreat the whistleblower.

## 9. Appendix A – Appeals, Grievance and Complains Form

<b>Learner/Apprentice Name:</b>	<b>Registration Number:</b>	
<b>Learner/Apprentice Address:</b>	<b>Phone Number:</b>	
	<b>Email Address:</b>	
<b>Company and Line Manager’s Name:</b>	<b>Phone Number:</b>	
	<b>Email Address:</b>	

<b>Qualification Title:</b>			
<b>Qualification Level:</b>		<b>Qualification Code:</b>	

<b>Appeal, Grievance or Complaint Details:</b> (If this relates to an appeal, please give specific details of the qualification and unit/assessment under appeal. Please include the assessor’s name and dates/times of the case history as applicable. Please be as specific as possible about the nature of your complaint or appeal)

Please complete and return this form via email to the Quality and Compliance Manager:

[ali@semesterlearning.co.uk](mailto:ali@semesterlearning.co.uk)