



## **Complaints and Appeal Policy (External)**

This document outlines our organisation complaints procedure.

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| Statement Authorised By:<br>Managing Director | Mr Rory Gaskin          |
| Reviewed on / Next Review Due:                | 21/06/2023 / 21/12/2023 |

### **Introduction**

TLC welcomes and encourages feedback from all our customers. If you have a Complaint about our services, our customer service, or about our directors, contractors or tutors, not only do we want to resolve it to your satisfaction, but we also want to learn from it in order to improve our business and customer experience in the future.

It is our policy to resolve Complaints quickly and fairly where possible without recourse to a formal investigation or external bodies. In particular, the aims of this Complaints and Appeal Policy are:

- (1) To provide a clear and fair procedure for any interested person who wishes to make a Complaint;
- (2) To ensure that everyone working for or with TLC knows how to handle Complaints made by interested persons;
- (3) To ensure that all Complaints are handled equally and in a fair and timely fashion; and
- (4) To ensure that important information is gathered from Complaints and used in the future to avoid such a situation arising again.

### **Who Can Make a Complaint?**

This complaints procedure is not limited to schools, parents and/or carers of students who are undertaking tuition with TLC. Any person, including members of staff and of the public, may make a complaint to TLC about any provision of facilities or services that we or our members provide.

### **Difference between a Concern and a Complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*. A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or lack thereof'*.

It is in everyone's interest that concerns, and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. TLC takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We actively encourage that any complaint be resolved informally.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, a member of the Executive Suite is concerned, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the MD will refer you to another staff

member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, TLC will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

## **How to Raise a Concern or Make a Complaint**

A concern or complaint can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should ideally be raised informally first with either the relevant line manager or their senior. If the issue remains unresolved, within 10 working days, the next step is to make a formal complaint.

Complainants should not approach individual board members to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against staff (except MD) should be made in the first instance, to the Managing Director via e-mail at [rory@learnerscollective.com](mailto:rory@learnerscollective.com).

Complaints that involve or are about MD should be addressed to the Legal and Finance Lead via e-mail at [legal@learnerscollective.com](mailto:legal@learnerscollective.com).

Where there are multiple complaints, from unconnected parties, but which are all based on the same subject or issue, we may decide to combine these in to one complaint and send one response to all complainants, or by publishing a response on the TLC website, where this is the appropriate means of communication.

**A template complaint form is included at the end of this procedure which must be completed if raising a complaint under the stage one procedure. If you require help in completing the form, please contact the Legal and Finance Team. You can also ask third party organisations like the Citizens Advice to help you. Complaints will only be considered upon completion of this form.**

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **Time Scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply. Exceptional circumstances will be determined by TLC and may include:

- a serious medical condition or a significant time in hospital.
- a serious medical condition of a close relative when you were the main carer, if this prevented you from making your complaint.
- certain personal circumstances that made complaining difficult – for example, serving in the armed forces in a war zone.

Exceptional circumstances **would not** normally include:

- not knowing about the time limits for a complaint or an appeal.
- a medical condition that only affected you for a short period of the time in question.
- a prolonged medical condition that would not have prevented you from making a complaint.
- being too busy to submit the complaint.

## **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of services provided by TLC or its staff, other than complaints that are dealt with under other procedures. These are as follows:

| <b>Exceptions</b>  | <b>Who to contact</b>  |
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| Matters likely to require a Child Protection Investigation | Complaints about child protection matters are handled under our child protection and safeguarding policy and procedures and in accordance with relevant statutory guidance.<br><br>If you have serious concerns, you may wish to the Designated Safeguarding Lead via e-mail at <a href="mailto:safeguarding@learnerscollective.com">safeguarding@learnerscollective.com</a> . |
| Whistleblowing   | We have an internal whistleblowing procedure for all our members, including employees and volunteers.  |
| Staff Grievances   | Complaints from staff will be dealt with under TLC's internal grievance procedures.  |

## **Resolving Complaints**

At each stage in the procedure, TLC wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that we will try to ensure the event complained of will not recur;
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made;
- an undertaking to review TLC's policies in light of the complaint;
- an apology.

## **Reporting**

All complaints received under this procedure as formal complaints, will be registered by the recipient of the complaint on the centrally held log. The log will detail whether a complaint was resolved following the Stage 1 process or progression to a Stage 2 panel hearing.

TLC will also keep their own record of all informal complaints received. TLC will record the action it takes as a result of complaints raised, regardless of whether they are upheld.

## **Stage 1**

Formal complaints must be made to the MD (unless they are about the MD), via e-mail at [rory@learnerscollective.com](mailto:rory@learnerscollective.com). This may **be accompanied with a completed Complaint Form – see Appendix 1.**

The MD will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

Within this response, the MD will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The MD can consider whether a face-to-face meeting is the most appropriate way of doing this.

***Note: The MD may delegate the investigation to another member of the TLC's Executive Suite but not the decision to be taken.***

During the investigation, the MD (or investigator) will:

- ☐ if necessary, interview those involved in the matter and/or those complained of.
- ☐ keep a written record of any meetings/interviews in relation to their investigation.

The member of staff can choose to be accompanied if they so wish. This must be communicated to the MD (or investigator) in advance of the meeting.

At the conclusion of their investigation, the MD will normally provide a formal written response within 20 working days of the date of receipt of the complaint. If the MD is unable to meet this deadline, they will provide the complainant with an update and revised response date. In some circumstances a written response may not be necessary or appropriate. For example, some complaints are dealt with in a meeting and a written response is not required.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions TLC will take to resolve the complaint.

The MD will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the MD, the Finance and Legal Lead or a member of the Executive Suite will be appointed to complete all the actions at Stage 1.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with a complaints committee. The complaints committee will comprise of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of TLC. This is the final stage of the complaint's procedure.

**A request to escalate to Stage 2 must be made to the MD, within 10 working days of receipt of the Stage 1 response.**

The MD will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 working days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply, (see guidance about exceptional circumstances above).

The MD has 15 working days from receipt of the request to set up a panel and subsequently confirm the date and time of the meeting with the complainant. If this is not possible, the MD will provide an anticipated date and keep the complainant informed. The panel will comprise three members of the Executive Suite and at least one member external to TLC.

If the complainant rejects the offer of three proposed dates, without good reason, the MD will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If we require any further information or evidence from you, the panel will contact you as quickly as reasonable possible to ask for it. We ask that you use reasonable effort to supply such information or evidence to us quickly in order to avoid delaying the complaint handling process. If you are for any reason unable to provide such information or evidence, we will use all reasonable efforts to proceed without it. However, please be aware that we will not ask for further information or evidence unless we consider it paramount to the successful resolution of your Complaint.

We aim to resolve Stage 2 Complaints within five working days. However, in some cases, particularly if your Complaint is a complex nature, this may not be possible. If this is not possible for any reason you will be informed of the delay; the length of the delay and the reasons for it.

At the conclusion of the Stage 2 procedure, irrespective of the outcome, we will provide you will full details of our investigation: our conclusions for such investigation and any action taken as a result. Our decision at this stage if final, subject to your right to seek External Resolution of your Complaint.

## **Confidentiality and Data Protection**

All Complaints and information relating to a Complaint are treated with the utmost confidence. Such information will only be shared with those directors, employees, contractors or tutors who need to know in order to handle your Complaint.

We may ask for your permission to use details of your Complaint (with your Personal Data removed) for internal training and quality assurance purposes. If you have given such permission, you may revoke it at any time by contacting [legal@learnerscollective.com](mailto:legal@learnerscollective.com).

All personal information that we may collect (including without extent your name and address) will be collected, used and held in according with the provisions of UK data protection law (including without extent the UK GDPR, the Data Protection Act 2018, and your rights thereunder, as set out in our privacy note, which is provided at, <https://www.learnerscollective.com/privacy-policy>).

## Complaint Form

*Please complete and return to the Managing Director or Legal and Finance Lead as set out in Stage 1 of the Complaints Policy and Procedure, who will acknowledge receipt and explain what action will be taken.*

|  |
|--|
| <b>Your name:</b>  |
| <b>Student's name (if relevant):</b>   |
| <b>Your relationship to the pupil (if relevant):</b>   |
| <b>Address:</b><br><br><br><br><b>Postcode:</b><br><b>Day time telephone number:</b><br><b>Evening telephone number:</b> |

**Please give details of your complaint, including whether you have spoken to anybody at the TLC about it.**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**



