

TIRO

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**Learner
Complaints and
Grievances Policy
and Procedure**

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1. Introduction and Scope

- 1.1 At Tiro, we are committed to providing our learners with a high-quality educational experience, within an inclusive academic community, that enables them to achieve their educational goals. We recognise that sometimes things go wrong and, when they do, we welcome the opportunity to put them right as soon as possible.
- 1.2 Tiro welcomes feedback from learners, employers, stakeholders, funding bodies and anyone who works with us. Such feedback is invaluable in helping us evaluate and improve our standards.
- 1.3 The Learner Complaints and Grievance Policy is the mechanism through which learners can raise any concerns, or address any issues that they feel might prevent them from receiving a high quality educational experience.
- 1.4 It is our policy to resolve any complaint that is made by a learner as quickly and fairly as possible.
- 1.5 Our policy draws on guidance from Ofsted, the Office of the Independent Adjudicator (OIA) and the Quality Assurance Agency (QAA).
- 1.6 Former learners may also submit a complaint, provided that the complaint relates to a matter which occurred whilst they were a learner and provided they comply with the timescales for the submission of complaints set out below.
- 1.7 This Learner Complaints and Grievances Policy applies to complaints:
 - From learners about their educational experience, including failure on the part of Tiro to meet obligations outlined in Learner Handbooks.
 - About a service provided by Tiro, or a third party on behalf of Tiro.
 - About misleading or incorrect information in prospectuses or promotional material.
 - Concerning discrimination by Tiro on the grounds of gender, race, nationality, ethnic or national origin, religious or political beliefs, disability, marital status, social background, family circumstance, sexual orientation, gender reassignment or age.
 - About the behaviour of a member of staff towards a learner. Such complaints may be referred to the Student Services Manager.
 - About the behaviour of a learner or learners. Such complaints may be referred to the Student Services Manager.
 - From a learner who believes they have suffered an injustice as a result of action taken or not taken on behalf of Tiro.
 - From learners looking to appeal an academic or vocational grade or decision. Such complaints may be referred to the appeals procedure in Tiro's Assessment policy.
- 1.8 The above list is not intended to be exhaustive and, where appropriate, complaints about other matters will be considered under this Learner Complaints and Grievances Policy.

- 1.9 In the event of a complaint being made by one of our learners about our validating institutions' policies and procedures to which they are subject, we would aim to resolve the complaint locally through both our informal and formal procedures before referring the learner to the validating institution's complaints policy.
- 1.10 Tiro's Disciplinary Policy and Procedures cover general matters of misconduct. Complaints about learner and/or staff behaviour which constitutes a disciplinary offence may be dealt with under the Disciplinary Policy and Procedures rather than the Learner Complaints and Grievances Policy and Procedures.

2. Policy Statements

The principles which underpin this Learner Complaints and Grievances Policy are:

- 2.1 Learners will not suffer a disadvantage due to making a genuine complaint.
- 2.2 Tiro will seek to resolve complaints as quickly as possible within the available resources and to find resolutions which are reasonable and acceptable to all parties.
- 2.3 Learners will be allowed reasonable time to seek guidance and assistance in connection with any aspect of the complaints process. We will ensure that each party involved in a complaint is given an equal opportunity to present their case.
- 2.4 All parties are expected to make reasonable efforts to resolving matters on an informal basis before moving to the formal stages of the process.
- 2.5 Any investigations undertaken as part of the formal complaints process will be conducted by individuals who have no prior knowledge of the learner's complaint.
- 2.6 Learners have the right to be accompanied by a relative or friend, who is not acting in a legal capacity, at any meeting arranged to discuss the complaint.
- 2.7 All parties involved in a complaint will be kept informed at all stages of the progress of any investigations into the matters raised and will be informed in writing of the outcome of the process, the reasons for any decisions taken and any proposed remedies.
- 2.8 Tiro will deal with complaints on a confidential basis but learners should recognise that it may be necessary to disclose details of a complaint to other persons or organisations for the purposes of investigating the complaint and seeking an effective resolution.
- 2.9 Where matters are within our control, we will ensure that appropriate remedial action is taken to resolve a complaint including addressing aspects of its operations or teaching that may be identified as requiring improvement.
- 2.10 Complaints from groups of learners will be considered. The individuals within the group should confirm in writing their support for the complaint and identify one person who will act as spokesperson for the group and be the group's correspondent for the complaint.

- 2.11 Complaints made by a third party on behalf of a learner will not normally be considered by Tiro.
- 2.12 Where a learner is deemed incapable of submitting a complaint for themselves, a complaint by a third party will be considered (e.g. learners with mental or physical health conditions); provided the representative is not a legal representative and we receive the explicit written consent from the learner for the representative to act on their behalf.
- 2.13 Anonymous complaints will only be considered where adequate information is given to allow for an investigation to take place.
- 2.14 A complaint which relates to matters which occurred more than 20 working days before submission will only be considered if the learner is able to provide evidence of good reason for the delay.
- 2.15 All parties involved in a complaint are expected to act fairly and reasonably towards each other and to comply with the requirements of the procedures by completing complaints documentation, adhering to any deadlines, responding appropriately to any requests for information or attendance at meetings and undertaking any reasonable action required in pursuance of a satisfactory remedy.
- 2.16 We will investigate all complaints brought under the formal part of the procedure. However, we reserve the right to refuse to consider any learner complaints which are thought, after initial investigation, to be unreasonable, vexatious or malicious. Examples of such complaints include:
- Complaints that are obsessive, harassing or repetitive.
 - Insistence on pursuing complaints that have no merit or unrealistic outcomes.
 - Insistence on pursuing complaints in an unreasonable manner.
 - Complaints which are designed to cause disruption or annoyance.
- 2.17 If a complaint from a learner is felt to fall into any of the above categories, we will write to the learner to explain our reason for ceasing consideration of the complaint. We may also refer the matter to our Learner Disciplinary Policy and Procedures which may result in the imposition of a disciplinary penalty.
- 2.18 In the case of complaints by learners about staff, we will provide appropriate support to help both the learner and staff member through the process.

3. Implementation

3.1 Informal Procedure: local resolution

- 3.1.1 Learners should try to resolve matters of concern informally first through their Tutor. In many instances, these people will be best placed to respond to the complaint and to resolve it quickly and effectively.
- 3.1.2 If the matter of concern is not satisfactorily resolved after this discussion, the learner has the right to address the issue through the formal stages of the process.

- 3.1.3 The relevant staff member involved in the informal procedure will record the actions taken to consider and resolve the concern, the decision reached, and brief details of what was communicated to the learner, and when. This information can then be made available to those dealing with any formal complaint should the learner decide to make one. Staff are strongly recommended to make full notes of any interviews, meetings or verbal communications.

3.2 Formal Procedure: Stage 1

- 3.2.1 The Formal Procedure: Stage 1 is used where a learner is dissatisfied with the outcome of the informal procedure, or where informal procedures are not suitable due to the nature, complexity or seriousness of the case.
- 3.2.3 The formal stages begin when a learner makes a complaint in writing by submitting the relevant details to any Tiro member of staff, along with any relevant evidence. Written evidence may include independent medical evidence, reports by professionals, financial information or witness statements.
- 3.2.4 A formal complaint must be sent within 20 working days of the occurrence of the matters which relate to the complaint, to complaints@tiro.co.uk . The learner will receive an automatic response to their email acknowledging the complaint, issuing a case number and informing them that a Tiro representative will contact them within 24 hours.
- 3.2.5 The Director of Quality and Compliance will conduct daily checks of the central complaints register. On receipt of a complaint, if the complainant is a current or former Apprenticeship Learner the Director of Quality and Compliance will monitor the case to resolution and report the progress at Senior Leadership Team (SLT) level where required. Separate arrangements are in place for non-learner complaints, and are detailed in the Tiro Customer Complaints Policy.
- 3.2.6 An investigation into the complaint will be undertaken promptly by the Director of Quality and Compliance, or by a person nominated to act on their behalf as an independent investigator, known as a case owner. The learner will be informed who will be investigating their complaint within 24 hours of receipt.
- 3.2.7 In order to investigate the complaint, the investigator may need to request further information from the learner and so may ask to meet with them.
- 3.2.8 The investigator will provide a written response, via email, to the parties involved within 12 working days of the completion of any investigation, which itself should be completed no later than 10 working days after the receipt of the initial complaint.
- 3.2.9 If it is not possible to complete the investigation within this time period, the learner will be advised in writing, via email, of the reasons for the delay, together with a deadline by which it is expected that the investigation will be completed.

- 3.2.10 Following completion of the investigation, the written response sent to the learner will outline the process followed, the information gathered, the conclusions drawn, and any remedies proposed.
- 3.2.11 If the complaint is not upheld, the email will explain why there are no grounds to take the matter further and that no action will be taken.
- 3.2.12 A record of all formal complaints will be kept by the Director of Quality and Compliance for analysis and Quality Improvement activities. No records will be held on the learner's file.
- 3.2.13 If the learner is satisfied with the outcome of the formal complaint, the complaint is deemed to be resolved.
- 3.2.14 If the learner is not satisfied with the written response, they may refer the matter to Stage 2 of the Learner Complaints Policy and Procedures.
- 3.2.15 The learner will be given information on how to proceed to Stage 2 of the procedures, the deadline for doing so and where to access support within the outcome of the Stage 1 complaint, referred to above.

3.3 Complaint Appeal: Stage 2

- 3.3.3 The Complaint Appeal: Stage 2 is where the learner can appeal to Tiro for a review of either the process of the formal complaint to ensure that appropriate procedures were followed, or the decision on the basis that it was perceived to be unreasonable. This is different to an appeal against an assessment decision, which is dealt with in the Assessment Policy.
- 3.3.4 In order to invoke Stage 2 of the formal Learner Complaints and Grievances Policy and Procedures, the learner or supporting representative must inform the Director of Quality and Compliance within 15 working days of the stage 1 decision email, clearly outlining the reasons for taking matters to Stage 2 and including any supporting evidence.
- 3.3.5 The Stage 2 appeal and all supporting evidence will be reviewed by Director of Quality and Compliance within 10 working days of receipt. Further evidence may be requested at this stage.
- 3.3.6 The outcome of the appeal will find either:
 - That there **are no** grounds for taking the matter further - if this is the case, the learner will be advised in writing.
 - That there **are** grounds for consideration and further investigation. In this case, a Learner Complaints Panel will be convened in a timely manner to hear the complaint.
- 3.3.7 Membership of the Learner Complaints Panel will consist of at least one senior leader and one other member of the delivery team, and where necessary a representative from the learner's place of employment. None of the staff will have

prior knowledge of or involvement with the learner's complaint. All members of the Panel will have received equality and diversity training.

- 3.3.8 The learner will be invited to attend the hearing and will be given adequate notice of both the date of the hearing and the composition of the Panel. In addition, the learner can expect to receive a copy of the information to be considered at the hearing.
- 3.3.9 The learner will have the right to be accompanied by a representative. The representative may be a friend or relative who is not acting in a legal capacity for the learner. It is expected that the learner will speak for themselves during the hearing, where appropriate however, the representative may speak in support of the learner.
- 3.3.10 The outcome of the hearing, including minutes of the hearing will be sent in writing to all parties within 20 working days of the hearing. If appropriate, an apology will be included together with details of any remedies agreed and deadlines for implementation of the same.
- 3.3.11 The decision of the Panel will be final and will be the end of our internal procedures.

3.4 Completion of Procedures

- 3.4.3 The Stage 2 hearing forms the final stage of the internal Learner Complaints and Grievances Policy and we will issue the learner with a Completion of Procedures (COP) letter at this point.
- 3.4.4 The learner then has the right to take their case to the Office of the Independent Adjudicator (OIA) and/or the validating institution subject to the considerations outlined below.
- 3.4.5 The Completion of Procedures (COP) letter will explain the above and confirm the learner has 12 months, from the date the COP is issued, in which to lodge a complaint with the OIA or Validating institution. The letter will also include information on where and how the learner can access advice and support.
- 3.4.6 Tiro will fully comply with any judgement made by the OIA or validating institution where the complaint relates to Tiro.
- 3.4.7 The position outlined in 3.4.4 above is true in all cases other than where the complaint is in relation to the validating institution's policies and procedures.
- 3.4.8 In the case of 3.4.2, the learner will not be issued a Completion of Procedures letter upon completion of Stage 2. At this point, the learner will be referred to the Validating institution's Learner Complaints Policy.
- 3.4.9 It is only when the validating institution has exhausted its procedures in relation to a complaint of this nature that it will issue the Completion of Procedures letter and refer the learner to the OIA.

3.5 Remedies

3.5.3 Remedies for complaints include, but are not limited to,

- An apology.
- A clear explanation of the events.
- Context that led to the incident in question.
- Alterations to a process or to a service provided by Tiro.
- Change in an academic grade or decision that has been deemed unfair.
- Disciplinary action taken against another learner or staff member.

3.5.4 Tiro seeks to ensure that any remedies proposed are reasonable and appropriate to the nature and circumstances of the complaint, grievance or appeal.

3.6 Referrals

3.6.3 Tiro reserves the right to refer complaints at any stage to an alternative means of resolution, including to a mediation process, if it is considered to be in the best interests of the timely and effective resolution of the complaint.

3.6.4 Exceptionally, with the agreement of the learner and of staff concerned, complaints may be referred to one of the formal stages in the process omitting earlier informal or formal stages, if it is considered to be in the interests of the timely and effective resolution of the complaint.

3.6.5 Examples might include those involving a threat of serious harm, those where the impact of the issues raised has detrimental consequences for the learner's mental health, those relating to disability support, issues of a highly sensitive nature.

3.7 Confidentiality

3.7.3 At Tiro we will deal with complaints on a confidential basis, but may need to disclose details of a complaint to other persons or organisations in order to investigate the complaint and seek an effective resolution. For example, we will need to inform any person named in a complaint of the substance of the complaint so that they can exercise their right to reply as part of the investigation.

3.7.4 In addition, we may need to divulge information to meet General Data Protection Regulation (GDPR) requirements.

3.7.5 Where a learner has made a complaint about another learner or a member of staff, we will notify the learner bringing the complaint of the outcome. However, it may not be appropriate for us to share specific details affecting the other learner or staff member, particularly where disciplinary action is being taken.

- 3.7.6 It is equally important that the learner bringing the complaint also respects the need for confidentiality throughout the complaints process. Where confidentiality is breached the Learner Disciplinary Policy and Procedures may be invoked.

4. Monitoring

- 4.2 The implementation of this policy is managed by the Director of Quality and Compliance, who will take into account any outcomes of previously upheld complaints.
- 4.3 We will report on the operation of the Learner Complaints and Grievances Policy to the Executive Committee to ensure its processes are working as intended and are in the best interests of learners and the institution.
- 4.4 Anonymised summaries of learner complaints and how they have been managed will be presented, from time to time, to relevant committees.
- 4.5 The Director of Quality and Compliance will report quarterly on the current complaints and grievances that have been received, and the outcome and any agreed remedies. Any improvements that have been agreed at will be discussed at the relevant committee for implementation and/or enforcement.
- 4.6 An Annual Report will be produced to detail any significant changes in policy and procedures that are required following the complaints received, provide statistics on the complaints received, the remedies proposed and the implementation of any changes in teaching, curriculum or disciplinary matters that follow the findings.

5. Responsible Parties

- 5.2 The Director of Quality and Compliance will be responsible for managing the Learner Complaints and Grievances process, maintaining central records and ensuring formal complaints are allocated within the structure of the policy.
- 5.3 The SLT will be responsible for reviewing the Annual Report and ensuring that all the findings are actioned across Tiro.
- 5.4 The Executive Committee are responsible for reviewing and implementing any operational changes as a result of complaints reports.
- 5.5 The Academic Committee are responsible for reviewing and implementing any change to the provision of academic quality as a result of complaints reports.
- 5.6 The Operations Committee will need to approve any changes to this policy before coming into force.

6. Reference Points

6.2 Internal

- Admissions Policy
- Learner Disciplinary Policy and Procedures

6.3 External

- Middlesex Student Complaints Policy
- General Data Protection Regulation (GDPR)

Change Control Log

Version	Details of amendments/change	Author	Formal approval required	Approved by	Date of approval	Date adopted by the Board
V.1	N/A	Carla Stuthridge – Head of Delivery	Y	SLT	May 2022	May 2022
V1.1	Learner Services Manager is now accountable for implementation throughout	Carla Stuthridge – Head of Delivery	Y	SLT	Dec 2022	Dec 2022
V1.2	Stage 2 renamed as 'Complaint Appeal' Section 3.2.7 has been clarified as 10 working days	Kate Balding – Head of Learning and Programmes	Y	SLT	Jan 2023	Jan 2023
V2	Policy revision, roles update, removal of forms, wording and grammar changes. Formatting, renumbering.	Paul Masterman	Y	SLT	May 2023	May 2023
V3	Amended to reflect the new salesforce reporting process Changed Operational to Executive committees Replaced ownership from student services to Compliance and Quality	Paul Masterman	Y	SLT	Apr 2024	Apr 24

