



## PROCEDURE

# APPEALS, COMPLAINTS & GRIEVANCES

**Issue : 1.5**  
**Date : 01/12/2020**

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## AMENDMENT HISTORY

| <b>Issue</b> | <b>Date</b> | <b>Author</b>        | <b>Description of Change</b> |
|--------------|-------------|----------------------|------------------------------|
| 1.0          | 19/10/14    | S Margison           | First Issue                  |
| 1.1          | 10/06/15    | S Margison           | Changed contact details      |
| 1.2          | 23/11/15    | E. Williams-Margison | Review & Update              |
| 1.3          | 12/12/16    | E. Williams-Margison | Review & Update              |
| 1.4          | 21/11/17    | E. Williams-Margison | Review & Update              |
| 1.5          | 01/12/20    | S. Margison          | Review & update              |

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# 1 INTRODUCTION

## 1.1 Purpose

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

## 1.2 Scope

The document is for use by employees, learners, their supporters and the assessment team and the information and content will be embedded into the Study and Assessment Guide. This procedure is written in order give a practical vehicle with which to make and manage appeals and complaints and is linked to the Semester: Learning & Development Policy for Equal Opportunities, Harassment, Discrimination and Diversity.

## 1.3 Review

The document will be reviewed annually from the date of first issue.

## 1.4 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.

**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.

## 1.5 Supporting Documents

Equal Opportunities Policy  
Apprenticeship Delivery Standards Policy

## 1.6 Stakeholders

The people mentioned in Table 1 are process stakeholders. Stakeholders are responsible for ensuring that their respective teams buy into the process.

| Name           | Role     |  |
|----------------|----------|--|
| Scott Margison | Director |  |

**Table 1 – Stakeholders**

## 2 APPEALS PROCEDURE

In cases where learners 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 dissatisfaction may arise from circumstances of an assessment or the outcome of an assessment. Whatever reasons are behind the initiation of an appeal, the Awarding Body takes the view that the lodging of an appeal indicates there is a problem and that the problem needs to be resolved. In most cases the learner should speak to the assessor in the first instance and give the assessor and / or Internal Quality Assurer (IQA) an opportunity to discuss, clarify and reach an agreement with the learner. If it is not possible to resolve the matter in this instance, an Appeal must be lodged.

It is important to try to resolve all matters at the local level before embarking on a more formal appeals process.

It is possible that someone may initiate an appeal other than the learner. In these cases, the general procedure will be for the appeal to be lodged with the next tier in the hierarchy of the assessment system, i.e. from Assessor to Internal Verifier; Internal Verifier to External Verifier; External Verifier to Awarding Body. However, an appeal may be lodged by anyone including the learner or the learner's Line Manager or Mentor which should ideally be made available to Semester: Learning & Development but can be sent direct to the Awarding Body.

The Accredited Centre Lead Internal Quality Assurance representative (Lead IQA) is responsible for ensuring that Internal Quality Assurance (IQA) team and Trainer/Assessors are aware of the appeals procedure. Learners are to be made aware of the procedure during their Learner Engagement Workshop and again in the Study Guide. The Candidates should be regularly reminded of the Appeals Procedure during Assessor / Candidate meetings and Direct Observations and this is verified by the IQA during on-site IQA Direct Observations of assessment practice.

Appeals initiated by a learner will normally be made to their Assessor or Organisational Team Leader or Manager. Copies of appeals forms are available within the Study Guides.. Whoever receives an appeal form must inform the Semester: Learning & Development Lead IQA within 2 working days of receipt. The Lead IQA will then meet the candidate within 5 working days to attempt to discuss and resolve the issue. If resolution is not possible, the Lead IQA will inform the Awarding Body External Quality Assurer (EQA) of the appeal, where it will be lodged within 2 working days and the learner informed of the notification of the appeal within ten working days.

It is hoped and expected that the Assessors/ Accredited Centre Co-ordinators and Candidates in most instances can settle appeals locally, in cases where it is not possible; the appeal will be escalated through the EQA to the Awarding Body and decision of the Awarding Body will be final in these cases.

It is the Awarding Body's policy that all appeals are dealt with within 30 days of receipt. As the Awarding Body, it has the responsibility for ensuring each stage of an appeal is monitored in order for a decision to be made as soon as possible.

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. A summary of the Appeals Procedure is contained in Appendix A with the Appeals and Grievance Form being contained in Appendix B.

### **3 GRIEVANCE AND COMPLAINTS PROCEDURE**

There may be instances where an employee, associate or learner could have a grievance or complaint against a Semester: Learning & Development 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.

#### **3.1 Informal Process for Grievance or Complaints**

In the first instance, and throughout the process, if an employee, associate or learner feels that they have a grievance or complaint, they may seek informal guidance from their Line Manager, Mentor, Assessor.

Wherever possible, in each case, if the person feels able, he/she 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 his/her Line Manager, Mentor, 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.

#### **3.2 Formal Process for Grievance or Complaints**

If an employee or learner's complaint cannot be resolved informally, a formal process as per the Semester: Learning & Development Appeals and Grievance procedure should be used.

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

- i) The name of the person accused of unprofessional conduct, the discriminator or harasser or bully;
- ii) The conduct complained of, including words and actions;
- iii) 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 case 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 B.

Once the form has been completed it should be sent via email or recorded postal delivery to Scott Margison, Semester: Learning & Development Director.

[scott.margison@semesterlearning.com](mailto:scott.margison@semesterlearning.com)

Mr Scott Margison  
5 Howells Road  
Dunvant  
Swansea  
SA2 7SX

An initial response to the grievance should be received within 10 working days of receipt.



## **APPENDIX A - SUMMARY OF APPEALS PROCEDURE**

1. Learners should ask their Assessor for an appeal form or use the form provided in the Study Guide
2. The learner must complete the form himself or herself.
3. The learner must sign and date the form.
4. The appeal form must be sent to the Assessor.
5. The Assessor will notify the Accredited Centre Lead IQA within 2 working days and the Lead IQA will contact the learner ASAP and arrange a meeting.
6. The Lead IQA will arrange a meeting with the learner and the Assessor within 5 working days on receipt of the form.
8. If a decision cannot be agreed at the meeting with the learner and the Assessor the Lead IQA will escalate to the External Quality Assurer (EQA) within 2 working days to seek advice and resolution.
9. The EQA advice will be communicated to the learner and if the learner is still dissatisfied then the complaint will be formalised with the Awarding Body.
12. The Awarding Body will be sent all relevant documentation by the EQA and they will ensure that the matter is resolved within 30 days of receipt. The Awarding Organisation decision will be final.

## APPENDIX B - APPEALS, GRIEVANCE AND COMPLAINTS FORM

|   |  |
|---|--|
| <b>Learner's Name:</b>  | <b>Registration Number:</b>  |
| <b>Learner's Address:</b>   | <b>Tel No:</b><br><b>Mobile:</b><br><b>Fax No:</b><br><b>E-Mail:</b> |
| <b>Name of Line Manager</b>                                       | <b>Tel No:</b><br><b>Mobile:</b><br><b>Fax No:</b><br><b>E-Mail:</b> |
| <b>Approved Centre Name:</b> Semester: Learning & Development Ltd | <b>Approved Centre No:</b>   |

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

**Appeal, Grievance or Complaint Details: (If an appeal, please give specific details of the Qualification and Unit under Appeal, the Assessor and dates and times of the case history as applicable. Please be as specific as is possible about the nature of your complaint and appeal)**

-----For Office Use -----

|                            |              |                                     |                       |
|----------------------------|--------------|-------------------------------------|-----------------------|
| <b>Received By:</b>        | <b>Date:</b> | <b>Logged By:</b>                   | <b>Date actioned:</b> |
| <b>Action taken:</b>       |              |                                     |                       |
| <b>Appeal actioned by:</b> |              | <b>Date reply or findings sent:</b> |                       |