Learner Appeals and Complaints Policy and Procedures	
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Policy prepared by	Director of Quality, Compliance & Excellence
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Policy statement

Educationwise is committed to providing high-quality education, training and support.

We recognise that learners, apprentices and other stakeholders may sometimes wish to:

- Raise a concern about their experience
- Make a formal complaint
- Challenge an assessment decision
- Ask for a decision or process to be reviewed

Educationwise will consider concerns, complaints and appeals fairly, promptly and without bias.

Anyone raising a genuine concern, complaint or appeal will not be disadvantaged because they have done so.

Information from complaints and appeals will be used to identify improvements to Educationwise's services.

Purpose

The purpose of this policy is to explain:

- The difference between a concern, complaint and appeal
- How issues can be raised
- How Educationwise will investigate and respond
- The timescales that normally apply
- How decisions can be reviewed
- When an external organisation may become involved
- How learners will be supported
- How complaints and appeals are recorded and monitored
- How themes and lessons inform quality improvement

Scope

This policy applies to:

- Apprentices
- Learners enrolled on Adult Learning Provision
- Commercial-course learners
- Prospective learners where the concern relates to Educationwise's application or enrolment service
- Parents, carers or authorised representatives acting on behalf of a learner
- Employers raising a concern about an apprentice or Educationwise's service
- Learners receiving direct or subcontracted provision

For the purpose of this policy, **Adult Learning Provision** includes programmes currently funded through Advanced Learner Loans and any future adult education funding streams delivered by Educationwise.

This policy covers complaints about matters including:

- Teaching, learning and support
- Programme administration
- Enrolment or induction
- Communication
- Staff conduct
- Accessibility or reasonable adjustments
- Equality and inclusion
- Programme resources
- Progress reviews
- Assessment processes
- Information, advice and guidance
- Subcontracted provision
- Educationwise systems and services
- Failure to follow a published process

It also covers appeals against internal assessment or related decisions made by Educationwise.

Matters covered by other procedures

Some concerns require a different or additional process.

Safeguarding concerns

A concern that a child, young person or adult may be at risk of harm will be referred immediately through Educationwise's Safeguarding and Prevent Policy.

A safeguarding concern will not be delayed while the complaints process is followed.

Personal data concerns

Complaints about how personal information has been collected, used, shared, retained or protected will be handled under the Data Protection Policy.

A data protection complaint must be acknowledged within 30 days and investigated without undue delay.

It may be managed alongside this policy where it also concerns the learner's wider experience.

Whistleblowing

A concern about serious wrongdoing in the public interest may be considered under the Public Interest Disclosure Policy.

Fraud, bribery or financial irregularity

Concerns involving fraud, bribery, corruption, misuse of funding or financial irregularity will be referred through the Counter Fraud and Error Policy or Ethics and Anti-Bribery Policy.

Staff employment concerns

Employment concerns raised by Educationwise staff will normally be handled through the relevant People and Culture process.

An apprentice's complaint about their employment, pay, disciplinary action or employer relationship may need to be addressed by their employer rather than Educationwise.

Educationwise will provide appropriate signposting and consider whether the matter affects the apprenticeship.

Awarding Organisation and apprenticeship assessment decisions

Decisions made by an external Awarding Organisation, Assessment Organisation or End-Point Assessment Organisation are subject to that organisation's procedures.

Educationwise cannot overturn an externally awarded result but will support the learner to understand and use the correct external route.

Definitions

Concern

A concern is an expression of worry or dissatisfaction that may be capable of being resolved quickly and informally.

Complaint

A complaint is an expression of dissatisfaction about Educationwise's action, lack of action, service or conduct that requires a response.

A person does not need to use the word "complaint" for the matter to be treated as one.

Appeal

An appeal is a request for an assessment or other specified decision to be reviewed because the learner believes:

- The process was not followed correctly
- The decision was not fair
- Relevant evidence was not properly considered
- The decision was affected by bias or a conflict of interest
- An administrative or procedural error occurred

An appeal is not simply a request for a different outcome because the learner disagrees with the original decision.

Complainant

The complainant is the individual or organisation raising the concern or complaint.

Appellant

The appellant is the individual challenging a decision through the appeals process.

Working day

A working day is Monday to Friday, excluding bank holidays and periods when Educationwise is formally closed.

Principles

Fairness

Complaints and appeals will be considered objectively and based on the available evidence.

Independence

No person will investigate or make the final decision on a matter where they:

- Are directly involved
- Made the original decision under review
- Are the subject of the complaint
- Have another conflict of interest

Accessibility

Educationwise will make reasonable adjustments to help individuals use this process.

This may include:

- Accepting a complaint verbally
- Providing information in an alternative format
- Allowing additional time
- Supporting the individual to put their concern in writing
- Using an authorised representative
- Adjusting meeting arrangements

Confidentiality

Information will only be shared with people who need it to consider, investigate or respond to the matter.

Educationwise cannot guarantee complete confidentiality where information must be shared to complete a fair investigation or meet a legal duty.

Non-retaliation

No learner will be disadvantaged for raising a genuine concern, complaint or appeal.

Any allegation of victimisation or retaliation will be taken seriously.

Timeliness

Educationwise will respond as promptly as reasonably possible and keep the individual informed where a delay occurs.

Proportionality

The process and investigation will reflect the seriousness and complexity of the matter.

Improvement

Outcomes, themes and lessons will be used to strengthen Educationwise's services and controls.

Responsibilities

Chief Executive Officer

The Chief Executive Officer has overall executive accountability for Educationwise's complaints and appeals arrangements.

The Chief Executive Officer will:

- Ensure appropriate resources and oversight are available
- Consider complaints involving the Complaints Lead
- Approve or review significant organisational actions where required
- Escalate serious matters to the Board

Complaints Lead

The Complaints Lead will:

- Oversee the consistent application of this policy
- Ensure formal complaints are logged
- Appoint an appropriate investigator
- Monitor timescales and actions
- Review themes and trends
- Ensure significant concerns are escalated
- Support reporting to leadership and governance
- Ensure complainants receive a clear outcome

Where the complaint concerns the Complaints Lead, the Chief Executive Officer or another suitably independent person will manage the process.

Quality and Compliance Team

The Quality and Compliance Team will:

- Manage the Stakeholder Voice Escalation process
- Maintain the central tracker
- Review and risk-rate concerns
- Monitor complaints and appeals through to closure
- Check that actions are completed
- Identify themes and repeat issues
- Link findings to quality improvement activity
- Report relevant information through Educationwise's governance arrangements

Managers

Managers will:

- Seek to resolve concerns promptly
- Escalate significant or repeated issues
- Cooperate with investigations

- Protect relevant evidence
- Complete agreed actions
- Ensure learners are not disadvantaged

Staff

All staff must:

- Listen to concerns respectfully
- Recognise when a matter may be a complaint
- Avoid becoming defensive or dismissive
- Record and escalate concerns where required
- Protect confidentiality
- Preserve relevant records
- Cooperate with investigations
- Avoid making promises about the likely outcome

Internal quality assurers

Internal quality assurers may review assessment appeals where they:

- Have appropriate occupational and assessment competence
- Were not responsible for the original assessment decision
- Do not have a conflict of interest

Learners and complainants

Individuals using this process are expected to:

- Explain their concern clearly
- Provide relevant evidence where available
- Respond to reasonable requests for information
- Treat staff and others respectfully
- Avoid knowingly providing false or misleading information

Educationwise will not reject a valid complaint solely because it is presented emotionally or imperfectly.

Raising a concern or complaint

A concern or complaint may be raised:

- Verbally
- By email
- By letter
- Through an Educationwise feedback or escalation route
- Through an authorised representative

Formal complaints should normally be sent to:

Nick Preston, Complaints Lead
Email: npreston@education-wise.org
Telephone: 0117 379 0450

A complaint received by another member of staff must be forwarded promptly to the appropriate person.

Complaints made on behalf of a learner

A parent, carer, employer, advocate or other person may raise a complaint on behalf of a learner.

Educationwise will normally require the learner's permission before sharing personal information or discussing the complaint with the representative.

Permission may not be required where:

- The learner lacks the capacity to provide it
- The learner is at risk of harm
- Educationwise has another lawful reason to share information
- The person has formal legal authority to act

Educationwise may communicate directly with the learner where this is appropriate.

Anonymous complaints

Anonymous complaints will be considered where sufficient information is available.

Educationwise will consider:

- The seriousness of the allegation
- Whether there is supporting evidence
- Whether the issue can be investigated fairly
- Whether learners or public funds may be at risk

It may not be possible to provide an outcome or complete a full investigation where the complainant cannot be contacted.

Time limit for raising complaints

Complaints should normally be raised within three months of the event or of the complainant becoming aware of the issue.

Educationwise may accept a later complaint where:

- There is a reasonable explanation for the delay
- The learner was unable to raise it sooner
- Safeguarding or wellbeing affected the person's ability to complain
- The issue is serious or ongoing
- Relevant evidence remains available

External organisations may apply their own time limits.

Stakeholder Voice Escalation process

Educationwise operates a central Stakeholder Voice Escalation process.

This ensures that concerns, complaints, appeals and other significant feedback are:

- Identified

- Recorded
- Risk assessed
- Allocated to an owner
- Monitored
- Escalated where required
- Reviewed for themes and lessons

Staff must complete the Stakeholder Voice Escalation Form where an issue:

- Indicates a risk
- Has not been resolved
- Is repeated
- Could affect other learners
- Involves safeguarding, equality or compliance
- Could damage trust or confidence
- Requires management oversight
- May meet the threshold for a formal complaint

The Quality and Compliance Team will review the issue and assign an appropriate rating:

- Low
- Medium
- High
- Extreme

The rating will reflect the seriousness, likelihood, possible impact and need for escalation.

Not every informal concern will require a full formal investigation. However, all formal complaints and appeals must be recorded centrally.

Complaints procedure

Stage 1: Informal resolution

The individual should normally raise the concern with an appropriate member of staff, such as:

- Their tutor or assessor
- A Programme Coordinator
- The relevant manager
- A member of the Quality and Compliance Team

The member of staff will:

- Listen to the concern
- Establish what has happened
- Consider what outcome the person is seeking
- Seek a prompt and fair resolution
- Record or escalate the issue where required

Educationwise will normally aim to resolve an informal concern within **five working days**.

The informal stage may be missed where:

- The concern is serious
- A formal investigation is clearly required
- The person raising the concern would be uncomfortable approaching the staff involved
- Safeguarding, discrimination or misconduct is alleged
- The matter has already been considered informally
- A conflict of interest exists

Stage 2: Formal complaint

A formal complaint should explain:

- What happened
- Who was involved
- When the event occurred
- What action has already been taken
- What outcome the complainant is seeking
- Any relevant evidence

Educationwise will:

1. Acknowledge the complaint within **five working days**.
2. Confirm the issues being considered.
3. Appoint a suitable and independent investigator.
4. Review relevant documents, records and correspondence.
5. Speak with relevant people where required.
6. Give anyone whose conduct is being considered a fair opportunity to respond.
7. Provide a written outcome normally within **15 working days** of acknowledgement.

The outcome will explain:

- The issues considered
- The evidence reviewed
- The findings
- Whether the complaint is upheld, partially upheld or not upheld
- Any action Educationwise will take
- How to request a review

Where the matter is complex and cannot reasonably be completed within 15 working days, Educationwise will explain the reason and provide a revised target date.

Stage 3: Review of the complaint outcome

A complainant may request a review where they believe:

- Relevant evidence was not considered
- The procedure was not followed
- The outcome was unreasonable based on the evidence
- There was bias or a conflict of interest
- Significant new evidence has become available

The request should normally be made within **10 working days** of receiving the Stage 2 outcome.

The request should explain the grounds for review.

The review will be completed by a senior person who:

- Was not responsible for the original investigation
- Was not directly involved in the matter
- Does not have a conflict of interest

The reviewer will consider whether:

- The investigation was fair and proportionate
- The findings were supported by evidence
- The policy was followed
- Further enquiries are required
- The outcome or action should change

A written final internal outcome will normally be provided within **15 working days** of receiving the review request.

The letter will confirm that Educationwise's internal complaints process has been exhausted.

Possible complaint outcomes

A complaint may be:

- Upheld
- Partially upheld
- Not upheld
- Unable to be determined because there is insufficient evidence
- Resolved through another agreed action

Actions may include:

- An explanation
- An apology
- Correction of a record
- Additional learner support
- Staff guidance or training
- Review of a decision or process
- Changes to communication
- Quality assurance activity
- Disciplinary or contractual action
- Referral under another policy
- A Quality Improvement Plan or risk-register action

Confidential employment, disciplinary or personal information about another person will not normally be shared with the complainant.

Assessment appeals

What can be appealed

A learner may appeal an internal assessment decision where they believe:

- Assessment procedures were not followed
- The assessment was not fair
- The assessment criteria were applied incorrectly
- Relevant evidence was not considered
- Approved reasonable adjustments were not applied
- The assessor had an unmanaged conflict of interest
- An administrative error affected the outcome

What cannot normally be appealed

A learner cannot normally appeal solely because:

- They disagree with professional assessment judgement
- They expected a higher result
- They did not understand the assessment requirements
- They did not submit the required evidence
- They have produced new evidence after the original deadline, unless the relevant rules permit it

Internal assessment appeals procedure

Stage 1: Informal discussion

The learner should first discuss the decision with their assessor.

The assessor will:

- Explain the decision
- Refer to the assessment criteria
- Identify the evidence considered
- Correct any clear administrative error
- Explain the next stage if the learner remains dissatisfied

The discussion should normally take place within **five working days** of the learner raising the issue.

The learner should not be pressured to accept the decision or discouraged from making a formal appeal.

Stage 2: Formal assessment appeal

Where the matter is not resolved, the learner may submit a formal appeal to the relevant manager, Internal Quality Assurer or Quality and Compliance Team.

The appeal should normally be submitted within **10 working days** of the Stage 1 discussion.

Educationwise will:

- Acknowledge the appeal within five working days
- Appoint a suitable reviewer who was not responsible for the original decision

- Review the assessment evidence
- Review the relevant criteria and records
- Consider whether reasonable adjustments were applied
- Speak with the learner and assessor where required
- Provide a written decision normally within 15 working days

The reviewer may:

- Confirm the original decision
- Correct an administrative error
- Require the evidence to be reassessed
- Arrange a new assessment
- Refer the matter for additional internal quality assurance
- Identify a wider assessment or standardisation concern

Stage 3: Final internal appeal review

Where the learner remains dissatisfied, they may request a final internal review.

The request must explain why they believe:

- The appeal process was not followed correctly
- Relevant evidence was not considered
- The outcome was unreasonable
- A conflict of interest affected the process
- Significant new evidence should be considered

The review will be completed by a suitably independent senior person.

A written final internal decision will normally be provided within **15 working days**.

Externally assessed results

Where the assessment or result was determined by an Awarding Organisation, Assessment Organisation or End-Point Assessment Organisation, the learner must follow that organisation's review or appeal process.

Educationwise will:

- Explain the applicable route
- Provide the relevant deadline
- Submit an appeal on the learner's behalf where the external rules require Educationwise to do so
- Provide relevant records
- Keep the learner informed
- Communicate the external outcome

Where an external organisation only accepts appeals from Educationwise, the learner will be given a fair opportunity to challenge any decision not to submit an appeal.

External complaint escalation

Department for Education-funded provision

Once Educationwise's full complaints process has been completed, learners, apprentices, authorised representatives and employers may be able to complain to the Department for Education where the programme is funded by the Department.

This may include:

- Apprenticeships
- Eligible Adult Learning Provision
- Programmes funded through Advanced Learner Loans
- Other adult education funding streams where the relevant external complaints procedure applies

The Department for Education will normally consider whether Educationwise:

- Investigated the complaint fully and fairly
- Followed its published procedure
- Provided a reasonable response
- Met the relevant funding or contractual requirements

It does not normally replace Educationwise's investigation or reconsider professional assessment decisions.

The complainant will normally need:

- Evidence that Educationwise's internal process has been completed
- The final internal outcome
- Relevant supporting evidence
- The learner's permission where someone is acting on their behalf
- Permission for the complaint to be shared with Educationwise

The Department for Education's external procedure may not apply to self-funded commercial provision.

Ofsted

Ofsted is not normally the final stage for resolving an individual complaint about an education or training provider.

Information shared with Ofsted may contribute to its wider oversight or inspection activity, but learners should normally complete Educationwise's process and use the appropriate Department for Education route where applicable.

Awarding Organisations and Ofqual

Complaints or appeals concerning a regulated qualification should normally be raised through the relevant Awarding Organisation's process.

Ofqual does not normally consider individual grade appeals through its general complaints procedure.

It may consider concerns about how an Awarding Organisation has met its regulatory responsibilities once the relevant external organisation's process has been completed.

Apprenticeship assessment

A concern about an externally delivered apprenticeship assessment must follow the Assessment Organisation or End-Point Assessment Organisation's complaints or appeals process.

Educationwise will support the learner but cannot overturn the external organisation's assessment outcome.

Commercial provision

Where a learner is self-funded or undertaking commercial training, the Department for Education external complaints process may not apply.

Educationwise will explain any external route available through:

- The relevant Awarding Organisation
- The learner's payment or finance provider
- An applicable consumer dispute process
- Another relevant regulator or authority

Supporting learners

Learners may receive support throughout the process.

This may include:

- Help understanding the policy
- Help putting the complaint or appeal in writing
- A reasonable adjustment
- Support from a tutor or Programme Coordinator
- An interpreter or communication support
- An advocate or authorised representative
- Signposting to an independent service

A learner may be accompanied at a formal meeting by:

- A parent or carer
- A colleague
- A workplace mentor
- A tutor
- An advocate
- Another agreed support person

The accompanying person may support the learner but should not normally answer questions on their behalf unless this has been agreed as a reasonable adjustment.

Complaints involving several people

Where a complaint affects several learners, Educationwise may:

- Consider the concerns together
- Ask the group to identify a representative
- Respond separately where individual circumstances differ

- Protect confidential information relating to each person

Permission will be obtained before personal information is shared with a group representative.

Complaints involving subcontractors

A complaint about subcontracted provision may be raised directly with Educationwise.

Educationwise may involve the subcontractor in the investigation but retains responsibility for oversight of the complaint and the quality of the funded provision.

The subcontractor must:

- Cooperate with the investigation
- Provide relevant evidence
- Complete agreed actions
- Avoid treating the learner unfairly
- Report related concerns or risks

Withdrawing a complaint or appeal

A complainant or appellant may withdraw their case at any point.

Educationwise may still continue to review or investigate the matter where:

- Other learners may be affected
- Safeguarding concerns exist
- Public funding may be at risk
- Serious misconduct is alleged
- A legal or regulatory duty applies
- The issue indicates a wider organisational risk

The decision and reasons will be recorded.

Unreasonable or persistent behaviour

Educationwise will remain fair and accessible where a person is distressed, persistent or strongly disagrees with an outcome.

However, Educationwise may take proportionate steps where behaviour becomes:

- Abusive
- Threatening
- Discriminatory
- Harassing
- Repetitive without new information
- Excessively demanding in a way that prevents normal work
- Focused on an outcome Educationwise has no authority to provide

Possible steps may include:

- Agreeing one named contact
- Setting reasonable communication boundaries

- Limiting repeated consideration of the same issue
- Requiring communication in writing
- Ending contact about a matter that has completed all available stages

Any restriction will be approved by a senior leader, explained in writing and reviewed where appropriate.

A person will not be treated as unreasonable simply because they make a complaint, challenge an outcome or require support.

Record keeping

Educationwise will maintain secure records of:

- Informal concerns requiring escalation
- Formal complaints
- Appeals
- Evidence considered
- Meetings and correspondence
- Decisions and reasons
- Actions and owners
- External referrals
- Final outcomes
- Lessons learned

Records will be retained in line with Educationwise's Records Retention Schedule and relevant funding, Awarding Organisation and legal requirements.

A single blanket retention period will not be applied where a different requirement is relevant.

Monitoring and quality improvement

The Quality and Compliance Team will monitor:

- Number and type of complaints and appeals
- Programme and department
- Provision type, including apprenticeships, Adult Learning Provision and commercial provision
- Risk rating
- Response times
- Outcomes
- Repeat concerns
- Equality or inclusion themes
- Subcontractor concerns
- Assessment themes
- Actions and completion
- Learner satisfaction with the process where available

Themes may inform:

- The Quality Improvement Plan
- Self-assessment
- Staff training
- Standardisation
- Policy or process changes
- Curriculum or support improvements
- Risk-register updates
- Subcontractor monitoring
- Leadership and governance reports

Information will normally be reported without unnecessary personal details.

Governance

Complaints and appeals oversight may be reported through:

- Senior Leadership Team
- Quality and Compliance Committee
- Relevant risk registers
- Master Risk Committee
- The Board

High or extreme-rated issues will be escalated promptly in line with Educationwise's governance arrangements.

The Complaints Lead will ensure actions arising from significant cases are monitored through to completion.

Related policies and procedures

This policy should be read alongside:

- Stakeholder Voice Escalation process
- Information, Advice and Guidance Policy
- Data Protection Policy
- Safeguarding and Prevent Policy
- Equality Policy
- Reasonable Adjustment and Special Consideration Policy
- Examination Policy
- Internal Quality Assurance Policy
- Malpractice and Maladministration Policy
- Public Interest Disclosure Policy
- Counter Fraud and Error Policy
- Ethics and Anti-Bribery Policy
- Learner Code of Conduct
- Subcontracting Policy
- Records Retention Schedule
- Relevant Awarding Organisation and apprenticeship assessment procedures

Review

This policy will be reviewed annually or sooner where there is:

- A change in Department for Education complaints requirements
- A change in Adult Learning Provision funding or external complaints arrangements
- A change in Awarding Organisation or apprenticeship assessment arrangements
- A significant complaint or appeal
- A regulatory, inspection or audit finding
- A material change to the Stakeholder Voice Escalation process
- Evidence that complaints or appeals are not being managed consistently
- A significant organisational or delivery change