

Complaints Policy

Definitions

Concern: A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.

Complaint: A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’. These include allegations against a member of staff working for **Tutor Doctor West Hull**.

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 complaints’ procedure. **Tutor Doctor West Hull** takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

Should you wish to raise a concern *formally*, **Tutor Doctor West Hull** will attempt to resolve the issue internally, through the stages outlined within this complaints’ procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone, within 30 days of the issue arising. These should be directed to the **Director & Head of Education** at **Tutor Doctor West Hull**.

Director & Head of Education: Ian Frankish

Address: 3 Wolfreton Garth, Kirk Ella, East Yorkshire, HU10 7AB

Telephone Number: 07868136507

Email Address: ifrankish@tutordocor.co.uk

Raising a Formal Complaint (Stage 1)

The **Director & Head of Education** at **Tutor Doctor West Hull** 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, **Tutor Doctor West Hull** will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

During this time, **Tutor Doctor West Hull** will:

if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish

keep a written record of any meetings/interviews in relation to the complaint.

Upon conclusion of this investigation, the **Director & Head of Education at Tutor Doctor West Hull** will provide a formal written response within 10 working days of the date of receipt of the complaint.

If this deadline is unachievable, they will provide the complainant with an update and revised response date. 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 taken to resolve the complaint. The office will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome.

Raising a Formal Complaint (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 the **Director & Head of Education at Tutor Doctor West Hull**. This is the final stage of the complaints' procedure.

A request to escalate to Stage 2 must be made to **Tutor Doctor West Hull**, within 5 working days of receipt of the Stage 1 response. the date the complaint is received will be recorded and acknowledged 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. **Tutor Doctor West Hull** will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 working days of receipt of the Stage 2 request. **Tutor Doctor West Hull** will provide the complainant with a full response to the complaint and the reason(s) for it, in writing, within another 5 working days. The response will also advise the complainant of how to escalate their complaint to **Tutor Doctor Home Office** should they remain dissatisfied.

Resolving Complaints

At each stage in the procedure, **Tutor Doctor West Hull** 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

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- 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 policies in light of the complaint if required
 - an apology if required.

Exceptions

This procedure covers all complaints about any provision of tuition by **Tutor Doctor West Hull** other than those that are dealt with under other statutory procedures.

Matters likely to require a Child Protection Investigation

Complaints about matters related to all aspects of Safeguarding and Child Protection are handled in accordance with our Safeguarding Policy. The Designated Safeguarding Lead for **Tutor Doctor West Hull** is Ian Frankish, who can be contacted on 07868136507, or by email at ifrankish@tutordoctor.co.uk.

If you have a serious concern, you may wish to contact the Local Authority Designated Officer (LADO) for your local area. Details on how to contact your LADO can be found at the links below:

- [Hull City Council](#)
- [East Riding of Yorkshire](#)
- [North East Lincolnshire](#)

National Curriculum

Please contact the Department for Education directly by clicking on this [link](#)

Whistleblowing

Follow the **Tutor Doctor West Hull** whistleblowing procedure as stated below

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing. This can be submitted in writing to 3 Wolfreton Garth, Kirk Ella, East Yorkshire, HU10 7AB, or by email to ifrankish@tutordoctor.co.uk

To be reviewed 01 September 2023

Whistleblowing Policy & Procedure

Policy Statement

This policy aims to enable and encourage staff to raise concerns within **Tutor Doctor West Hull**. It recognises a worker's legal rights to make a protected disclosure to certain prescribed persons or bodies under the Public Interest Disclosure Act 1998 and any subsequent legislation, as incorporated into the Employment Rights Act 1996¹.

Tutor Doctor West Hull is committed to creating a safe, open and transparent workplace culture, where employees are encouraged to raise concerns at the earliest opportunity. **Tutor Doctor West Hull** recognises that employees are often the first to realise that there may be something seriously wrong within an organisation.

It is important to **Tutor Doctor West Hull** that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with. **Tutor Doctor West Hull** is committed to tackle malpractice and wrongdoing. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. If any cases of wrongdoing are upheld they will be seriously dealt with.

Tutor Doctor West Hull encourages staff to use internal mechanisms for reporting malpractice or illegal acts or omissions by employees or ex-employees. Employees will be listened to and serious concerns will be investigated.

Tutor Doctor West Hull will provide regular refresher training to all managers enabling them to deal with concerns that are raised and is committed to treating all disclosures consistently and fairly.

Tutor Doctor West Hull will ensure that all new employees, supervisors and managers will receive induction on the policy and will provide refresher training to all members of staff so that they are aware of whistleblowing law and know how to use this policy.

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in the Staff and Tutors' handbook and available to the public on the company website.

This policy allows staff to take the matter further if they are dissatisfied with the management response and aims to reassure staff that they will be protected from harassment or victimisation from co-workers or from **Tutor Doctor West Hull** for raising concerns.

¹In Northern Ireland, the Public Interest Disclosure (Northern Ireland) Order 1998 incorporated into the Employment Rights (NI) Order 1996 in Northern Ireland.

Definitions and Scope

This policy applies to all staff irrespective of whether they are full-time, part-time, independent contractors, or volunteers. Other individuals who work or have worked within the organisation, such as former staff, volunteers, the self-employed and contractors, are also encouraged to use it.

For the purpose of this policy, **Tutor Doctor West Hull** recognises that whistleblowing is the passing on of information about wrongdoing at work. The whistle-blower must reasonably believe that they are acting in the public interest.

The statutory categories for wrongdoing are:

- a criminal offence (such as insurance fraud or illegal tax evasion)
- a breach of any legal obligation
- a miscarriage of justice
- endangering an individual's health and safety
- damage to the environment
- deliberate concealment of information about any of the above.
- Examples of wrongdoing might include (but are not restricted to) :
- unsafe working conditions
- lack of, or poor, response to a reported safety incident
- inadequate induction or training for staff
- suspicions of fraud
- a bullying culture (across a team or organisation rather than individual instances of bullying).

It is not necessary for the member of staff to have proof that wrongdoing is being, has been, or is likely to be committed. A reasonable belief is sufficient to disclose the concern. The member of staff has no responsibility for investigating the wrongdoing. It is the organisation's responsibility to ensure that an investigation takes place.

A member of staff who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

Tutor Doctor West Hull recognises that any so-called 'gagging' or confidentiality clauses in settlement agreements or non-disclosure agreements with individuals do not prevent members of staff from making disclosures in the public interest and are void in such circumstances.

If the wrongdoing that the staff member wants to disclose is not included in the list above, advice may be sought from the designated officers (see section 4 below) or from a trade union representative on the use of the appropriate policy.

This policy is not for staff with concerns about their employment that affect only them – that type of concern is better suited to the grievance policy.

Tutor Doctor West Hull recognises employees may wish to seek advice and be represented by their trade union(s) officers when using the provisions in this policy.

This policy will be reviewed annually each September by the designated officer in conjunction by the Company Directors. Where review is necessary due to legislative change, this will happen immediately.

Roles and Responsibilities

The Company Directors are responsible and accountable for this Whistleblowing Policy and Procedure. They will:

- demonstrate commitment to developing an open culture within the organisation, through actions and strategy
- review annual reports on whistleblowing activity
- appoint designated officer/s.

All staff have a duty to report wrongdoing (whistleblow) under the circumstances set out in *Definitions and Scope*.

Line managers are responsible for:

- ensuring all staff are aware of this policy and procedure and their responsibilities
- investigating issues raised promptly and thoroughly
- fostering an open culture within their teams
- ensuring any whistle-blower is not subject to detriment
- escalating issues and engaging the support of designated officer/s where required.

The Designated Officer has lead responsibility for the whistleblowing procedure and for dealing with issues raised. They will:

- oversee and review the whistleblowing policy and procedure
- providing advice and support to managers and employees
- ensure learning from whistleblowing cases is fed back to the wider organisation
- ensure managers are trained in dealing with issues
- investigating issues raised with them directly promptly and thoroughly
- ensure the process is monitored and improved where required
- provide reports on whistleblowing activity on an annual basis

Designated officers

The following people have been nominated and agreed by **Tutor Doctor West Hull** as designated officers for concerns under this procedure:

Ian Frankish Director and Head of Education

These designated officers will act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation.

All these people have been given special responsibility and training in dealing with whistleblowing concerns and will give you information about where you can go for more support.

They will:

- treat the concern confidentially unless otherwise agreed
- ensure the staff member receives timely support to progress their concern
- escalate to senior management any indications that the staff member is being subjected to detriment for raising their concern
- remind the organisation of the need to give the staff member timely feedback on how their concern is being dealt with
- ensure the staff member has access to personal support as it is recognised that raising such a concern may be stressful.

How to raise a concern

In many circumstances, the easiest way a member of staff can get their concern resolved will be to raise it formally or informally with their line manager who should report it to the designated officer.

If this is not appropriate as the concern relates to the line manager, or if the member of staff does not feel able to raise it with them or if raising it with their line manager does not resolve matters, the member of staff can approach a designated officer directly. The designated officer will then confirm how the matter will be investigated.

Any member of staff who wants to raise a concern that is potentially of public interest, is encouraged to get legal advice where appropriate such as through their trade union or through the charity Protect (see section 'More information and support' below).

If, for any reason, the member of staff does not feel comfortable raising their concern internally, they can raise concerns externally with 'prescribed bodies' (see section 8 below) if they feel this is necessary and in the public interest.

Concerns should be raised in writing (including email). The letter should set out the background and history of the concerns, giving names, dates and places where possible, and the reason why the member of staff is making the disclosure. If the individual does not feel able to make the disclosure in writing, an interview will be arranged.

When any meetings are arranged with an individual who is making or has made a protected disclosure, they have a right to be accompanied by a trade union representative. The meeting can be off site if requested.

The employee raising concerns does not have to prove the allegation but they must demonstrate that there are sufficient grounds for concern.

If the member of staff wants to raise the matter in confidence, they should please say at the outset so that appropriate arrangements can be made.

Confidentiality will be maintained as far as is possible. It is guaranteed at the point of making a protected disclosure and will be maintained throughout the investigation and hearings, other than when a disclosure of identity is needed due to cross examination of the staff member as a witness to any subsequent procedure, or is required by law.

It is best to raise a concern openly, because that makes it easier for **Tutor Doctor West Hull** to follow it up. **Tutor Doctor West Hull** will not disclose the whistle-blower's identity without their

consent unless there are legal reasons that require them to do so. This might be, for example, where their information is about a child or vulnerable adult who is at risk, or where there is a possible criminal offence. If this is the case, **Tutor Doctor West Hull** may have to tell the police or another official body, or if required to do so by a court. **Tutor Doctor West Hull** will let the individual know if it has to do this and that this will identify them to another body.

Staff may, if they wish, disclose information anonymously. However, it should be noted that in such circumstances, **Tutor Doctor West Hull** will not be able to contact staff to discuss their concern or ask them for further information, nor will they normally be able to give any feedback about any action it takes, although anonymous whistle-blowers may seek feedback through a telephone appointment or by using an anonymised email address.

How Tutor Doctor West Hull will respond

Any concern raised under this policy will be investigated thoroughly, promptly and confidentially.

Any approach to line managers and designated officers will be treated with the strictest confidence and the member of staff's identity will not be disclosed without their prior consent. All members of staff will be treated with respect at all times and the person raising the concern will be thanked.

There may be a meeting with the member of staff raising the concern to ensure **Tutor Doctor West Hull** understands exactly the particular worry.

When any meetings are arranged with an employee who has made a protected disclosure, they have a right to be accompanied by a trade union representative. The meeting can be off site if requested.

When an individual makes a disclosure, the organisation will process any personal data collected as part of the investigation in line with **Tutor Doctor West Hull's** data protection policy ensuring the data is stored securely and only accessed by those individuals essential for dealing with the disclosure.

Within five working days of a concern being raised, the line manager or designated officer who received the disclosure will write to the member of staff setting out the following:

- Acknowledgement that the concern has been received, the date it has been received, whether the person who raised the concern has requested confidentiality, and a summary of the concern
- Indicating how the matter will be dealt with and by whom and how they can be contacted
- Telling the member of staff when an investigation has or is to be started and if further assistance will be needed from them.

The member of staff who raises the concern will be told how long to expect the investigation to take and will be kept up to date with its progress.

The matters raised may be investigated internally. Where it has not been possible to resolve the matter quickly (usually within a few days) with the line manager, someone suitably independent (such as a designated officer) and properly trained will carry out an investigation.

The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring. The

investigator may decide that the concern would be better looked at under another process, such as the grievance procedure or dignity at work procedure. If so, this will be discussed with the member of staff.

In the event that misconduct is discovered as a result of any investigation under this policy, the disciplinary policy and procedure will be invoked in addition to any external measures.

On conclusion of any investigation, the member of staff will be told the outcome of the investigation and what **Tutor Doctor West Hull** has done, or proposes to do, about it. Wherever possible, **Tutor Doctor West Hull** will share the full investigation report with the member of staff who raised the concern (while respecting the confidentiality of others). If no action is to be taken, the reason for this will be explained.

If an individual is not satisfied with the response received and any subsequent action taken, they should put their concerns in writing to **Tutor Doctor Management Services Inc**, whose principle place of business is 830 Dixon Rd, Etobicoke, ON M9W 6Y8, Canada, who will arrange any further investigation as appropriate. **Tutor Doctor Management Services Inc** will send a written response to the individual concerned.

More serious disclosures may be referred to an external prescribed person or body and may form the subject of an independent inquiry.

In the event of an inquiry, where possible the trade union representatives will be consulted on the drawing up of terms of reference for any inquiry panel, as well as being involved in the implementation of any inquiry recommendations.

Harassment and Victimisation

Tutor Doctor West Hull understands that raising a concern can be difficult for staff, especially if they fear reprisal from those responsible for the malpractice. **Tutor Doctor West Hull** will not tolerate harassment and victimisation of anyone raising a concern, and there should be no impact on the continued employment and opportunities for future promotion or training of anyone raising a concern. Any such behaviour is a serious breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.

Nor will **Tutor Doctor West Hull** tolerate any attempt to bully anyone into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action potentially leading to dismissal.

This policy encourages members of staff to put their name to their concerns. Concerns expressed anonymously are harder to follow up and have an effective outcome.

If a member of staff makes an allegation in good faith, but the allegation is not confirmed by the investigation, no action will be taken against that member of staff. They will not be at risk of losing their job or suffering any form of reprisal as a result. Provided the member of staff is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.

Reporting a concern to an external body

This policy is intended to provide a route by which members of staff can raise concerns internally. However, if an employee is unhappy with the outcome of an investigation or if, for any reason they do not feel comfortable raising their concern internally, they are free to take the matter outside of the organisation to a prescribed person or body or to their Member of Parliament (MP).

The full list of prescribed persons and bodies can be found on [the UK government website](#). They include:

- HM Revenue & Customs
- the Comptroller and Auditor General
- the Director of the Serious Fraud Office
- the Charity Commission for England and Wales
- the Information Commissioner
- the Equality and Human Rights Commission
- the Health and Safety Executive
- the Care Quality Commission
- the Environment Agency.

More information and support

Protect is the UK's whistleblowing charity that aims to stop harm by encouraging safe whistleblowing. They provide a legal advice service we offering free expert and confidential advice on how best to raise a concern and protection as whistle-blower.

<https://protect-advice.org.uk>

Protect Advice Line: whistle@protect-advice.org.uk

Protect Advice Line: 020 3117 2520 (* option 1)

UK government advice on 'Whistleblowing for employees'

www.gov.uk/whistleblowing

To be reviewed 01 September 2023