



Sherpa Online's Complaints and Appeals Procedure

We want to help you resolve your complaint as quickly as possible

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Application Labs Ltd (trading as Sherpa Online) is committed to providing a high-quality service to everyone we deal with. In order to do this, we require comments about the service we provide and for you to tell us when we get things wrong. We want to help resolve the issue as quickly as we can.

A complaint is any expression of dissatisfaction with our service which calls for a response, whether justified or not. We listen to every complaint, treat them all seriously and learn from them so that we can continuously improve our platform.

Our policy covers complaints about:

- The standard of service we provide.
- The standard of service our tutors provide.
- The behaviour of staff, tutors and students on the platform.

- Any action or lack of action by staff that affects an individual or group.
- Any reputational/PR issues regarding Sherpa

Our complaints policy does not cover:

- Matters that have already been investigated fully through this complaints procedure.
- Anonymous complaints.
- Complaints regarding access to information where procedures and remedies are set out in legislation. (e.g: freedom of information act, data protection act, etc...).

Persistent and/or vexatious complaints

These are becoming an increasing problem in the 21st century for all departments and bodies. The difficulties associated with handling these complaints can place significant strain on time and resources as well as be stressful for staff who have to deal with these complex or challenging issues when they arise. To counter this, we will introduce a policy that deals with persistent or vexatious complaints.

Our standards for handling complaints

- We treat all complaints seriously, whether they are made by letter, email or over the phone.
- You will be treated with courtesy and fairness at all times - we would hope that you will also be courteous and fair in your dealings with our staff at all times.
- Your complaint will be treated with confidence within the department.
- We will attempt to deal with your complaint in a prompt manner. Acknowledging receipt of the complaint within 1 working day and a full reply within 2 working days of receipt.
- If we are unable to send a full reply within 2 working days we will provide you with a reason and provide a timeline to you.
- We will publish information in our annual report on the numbers and categories of complaints we receive and the percentage of complaints upheld.

Confidentiality

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998.

How To Complain

You can make a complaint using the following [online contact form](#).

We have a 2-stage complaints procedure. At each stage, it will help us to resolve your complaint quickly if you can give us as much clear detail as possible, including any documents and correspondence stating that you are making a complaint in line with our procedure.

Stage 1

This is the first opportunity for the department to resolve a complainant's dissatisfaction, and the majority of complaints will be resolved at this stage. In the first instance, we will try to get your complaint resolved by the Head or Director of the area or team against whom the complaint has been made. Upon receipt of your complaint, the relevant team Head or Director will be contacted to ask them to deal with your complaint.

Stage 2

If you are dissatisfied with this response you may request a review by the Director of the relevant team or unit. Your request should be sent using our [online contact form](#).

Timescales for handling a complaint:

Stage 1 (maximum 2 working days)

- Acknowledgement within 1 working day.
- Full response within 2 working days.

Stage 2 (maximum 10 working days)

- Acknowledgement within 7 working days.
- Full response within 10 working days.

Extending time limits

We aim to complete all complaints within the timescales above; however, if a complaint is very complex it may occasionally be necessary to extend the time limit. If this is the case, we will keep the complainant informed of the progress of the investigation, the reasons for the delay, and the new deadline.

Remedies

When we get things wrong we will act to:

- Accept responsibility
- Explain what went wrong and why
- Put things right by making any changes required

The action we take to put matters right (i.e. redress) in response to a complaint, can include any combination of the remedies set out in the list below. The general principle we follow is that a complainant should, as far as possible, be put in the position he or she would have been in, had things not gone wrong.

The remedy chosen needs to be proportionate and appropriate to the failure in service and take into account what people are looking for when they complain. An apology is normally appropriate, but other action/s may also be necessary:

- A sincere and meaningful apology (explaining what happened and or what went wrong) - an apology is not an acceptance of liability under Section 2 of the Compensation Act 2006.
- Remedial action, which may include reviewing or changing a decision on the service given to an individual complainant.
- Service desired by the complainant (immediately, if appropriate).
- Putting things right (for example, change of procedures to prevent future difficulties of a similar kind, either for the complainant or others).
- Training or supervising staff.
- Financial compensation.

In the majority of cases, remedies other than financial compensation will satisfy the complainant. Financial compensation is therefore a final option, and will only apply in cases where the loss or suffering is considered to warrant such payment.

Where it is decided following investigation of a complaint, that a complainant has suffered injustice and or hardship resulting in direct or indirect financial loss, due to maladministration, we will determine whether compensation is an appropriate remedy by looking at all the evidence, including how much the complainant can demonstrate they have lost, or what extra costs they have incurred as a result of our maladministration.

The reason for our decision will be recorded by the decision maker and included in our response.

Recording Complaints

We will log all complaints we receive so that we can monitor the types of problems, the best way to sort them out and how long we are taking to deal with them. This also helps us to take a closer look at how we can improve our own service delivery.

We will handle your information in line with data protection legislation.

Appeals Procedure

Every employee has the right to appeal against the outcome of a disciplinary hearing. The basis of an appeal should normally relate to one of the following areas:

- that the Company's Procedure had not been followed correctly.
- that the resulting disciplinary action was inappropriate.
- that the need for disciplinary action was not warranted.
- that new information regarding disciplinary action, has arisen

An appeal should be put in writing, sent to the team Head or Director that oversees the original complaint. Should this information be lost, use our [online contact form](#) and reference the previous grievance.

The letter of appeal may be constructed by the employee or their representative. The letter should contain the grounds for appeal and should be lodged within 10 days of receipt of the warning / dismissal letter.

An appeal hearing will be arranged within 20 working days of receipt of the appeal letter

Appeals against Verbal and First Warnings.

In the case of verbal and first warnings, the appeal will be heard by the manager next in line to the one who issued the warning.

Appeals against Downgrading, Final Warnings and Dismissal

The hearing and determining of appeals against final warnings and dismissal will be heard by the appropriate Director or Chief Executive. They may also involve another senior manager / Director not previously involved with the case.

When dealing with an appeal against a Final Warning or Dismissal written statements of case may be submitted no later than 2 days prior to the date of the Appeal Hearing. No additional written evidence will be admitted by the Appeal Committee on the date of the Hearing

Witnesses may be required by either party at an appeal hearing, dependent upon the circumstances and nature of the case. However, there is no specific obligation on either party to produce a witness. Either party must give 5 days prior notice that they intend to call specific persons involved or associated with the case under Consideration.

It is the responsibility of the management representative and the appellant to each arrange for the availability and attendance of any witness they wish to call.

You also have the right to be accompanied during any appeal meetings for support.

External Arbitration

Arbitration is delivered by a neutral person (an 'arbitrator'). The arbitrator considers the arguments from both sides of the dispute at a meeting ('hearing').

Should this route be required to reach a solution, a suitable independent arbitrator such as Acas will be contacted by a Director of the company.

[Acas](#) appoints an arbitrator and arranges a date for a hearing. The hearing is held remotely on Microsoft Teams or Zoom.

Before the hearing, both sides should send the arbitrator and each other written statements of their case and other supporting documents. The arbitrator will only consider evidence presented before the hearing. Hearings normally last for about half a day. After the hearing, the arbitrator will decide in writing within 14 days.

The appellant and the employer must agree to an arbitrator's decision being legally binding. If you do not agree, you can still [take a case to an employment tribunal](#) or follow the advice from the government on how to [complain about a limited company](#).

Signed by:
Tanya Hughes
Head of Operations
Sherpa Online

This policy is reviewed annually by the Sherpa Online Management Team in accordance with the company's Management Review Schedule.

The next review date is scheduled for 1st September 2024.