

Apprenticeship Complaints Procedure

1. Introduction

The School welcomes the views of its apprentices (and their employers). It recognises however that there may be occasions when an apprentice (or employer) is dissatisfied with an aspect of their experience at the School. It is the School's policy that such concerns are dealt with in a fair and transparent way that respects the rights of all individuals involved.

In the operation of the processes set out in this Procedure the School will remain mindful of its legal obligations, including its duty of care and its obligations under the Equality Act 2010 where appropriate to make reasonable adjustments.

This Complaints Procedure shall apply in the event of an apprentice being dissatisfied with the standard of service provided by the School or with something the School has or has not done. A complaint is usually:

- an expression of dissatisfaction with an aspect of the apprenticeship programme such as a specific concern about something that is within the School's control;
- a certain action or lack of action taken by the School;
- about the standard of a service provided by or on behalf of the School.

This procedure does **not** cover allegations about apprentice or student behaviour, which are dealt with under the [Student Misconduct Policy](#).

If an apprentice has a complaint, they should inform their tutor in the first instance. The School hopes that where a problem has been identified it can usually be resolved quickly and informally, where reasonable, to the satisfaction of the apprentice. However, the School recognises that there may be occasions where a mutually satisfactory resolution might not be readily achieved and therefore the Complaints Procedure needs to be followed.

2. Principles underlying the procedure

2.1 The procedure is based on the principles of fairness and transparency. It is set out to ensure:

- i. a timely resolution of a complaint, with an emphasis on local resolution at the earliest opportunity;
- ii. that the process is evidence-based;
- iii. that the processes, decisions and the reasons behind them are clear and there is opportunity for independent review;
- iv. that decisions made will be reasonable and, where required, provide appropriate redress;
- v. that apprentices are supported;
- vi. that apprentices will be notified early in the process if the remedy sought is beyond what the School can reasonably provide or what is in its power to provide.

2.2 The “standard of proof” (the level of proof required) will be “the balance of probabilities”, i.e., that it is more likely than not that something happened.

- 2.3 Any apprentice making a complaint has the right to be accompanied by a member of the Students' Union, a current apprentice of the School or a current member of School staff at any stage of this process. Neither the apprentice nor the School shall normally be represented by a legal practitioner at meetings or hearings.
- 2.4 All information obtained within the process of the appeal will be held in accordance with Data Protection legislation and the [Apprentice Privacy Notice](#).
- 2.5 The complainant's identity will be kept confidential unless disclosure is necessary to progress the complaint, in which case the complainant's permission would be obtained in advance of the disclosure. In submitting a complaint, relevant information will only be shared with the staff members responsible for conducting the investigation into the matters raised. However, the content of the complaint may also need to be disclosed to other relevant staff in order for the complaint to be investigated and/or resolution sought. If there are elements of a complaint which are particularly sensitive and the apprentice has concerns about his or her confidentiality, the apprentice can raise this with Quality Assurance Manager or Registrar, who will discuss if / how disclosure can be minimised.
- 2.6 Apprentices will be notified early in the process if the remedy sought within the complaint is beyond what the School can reasonably provide or what is in its power to provide.
- 2.7 The School, its apprentices and staff have rights and responsibilities under this procedure. It is expected that all parties involved will act reasonably, fairly and courteously towards each other and respect the processes.
- 2.8 No apprentice will suffer any disadvantage or recrimination as a result of making a complaint in good faith and his or her studies at the School will not be prejudiced as the result of making a complaint. However, if the complaint made is found to be wholly unreasonable, vexatious, frivolous, abusive or malicious in nature, the School reserves the right to include this finding in the apprentice's records and notify the employer.
- 2.09 Outcomes of complaint hearings by the Complaints Committee will be recorded, anonymised and reported within the School to the Academic Standards Committee.
- 2.10 The School is mindful of its legal obligations, including under the Equality Act 2010, and will make reasonable adjustments to this process where appropriate.

3. Grounds for complaint

3.1 Complaints can be made about:

- a non-academic service provided by the School;
- the administration or delivery of a course or module;
- the facilities or learning resources provided by the School;
- failure to meet obligations set out in programme or apprentice handbooks;
- failure to follow published regulations, procedures and/or policies;
- the conduct of a member of staff.

This list is not intended to be exhaustive and, where appropriate, other matters will be considered by the Complaints Procedure.

3.2 Decisions which amount to "academic judgment"¹ cannot be covered by this Procedure. Apprentices studying a degree apprenticeship who wish to raise an Academic Appeal against a decision of an Assessment Board or Panel, or a Board of Examiners should refer to the Academic Appeals Procedure instead.

3.3 Apprenticeships have an end-point assessment (EPA) delivered by an independent end-point assessment organisation. Complaints relating to the EPA assessment process and/or outcome should be referred to the EPAO complaint process rather than this procedure.

3.4 The scope of this procedure does not deal with complaints about employment issues (for example, where an apprentice may wish to make a formal complaint about their employer or vice versa). In this circumstance, the apprentice and/or their employer should follow their internal HR policies and employment contracts.

3.5 Apprentices using the Complaints Procedure should raise concerns informally with staff at Stage 1, before formalising them as complaints at Stages 2 and 3 of the Complaints Procedure, if not resolved.

- 3.6 It is recognised that some cases can involve a combination of issues, where a number are related to a complaint and others are not, and the School will assess each case individually. In these circumstances, the complainant will be informed which issues will be considered under which procedure and s/he will be directed to the alternative procedure as appropriate to allow all issues to be considered. Where there is significant overlap, the School may decide to consider matters together, if the apprentice agrees to this. For example, if a complaint includes matters that could also be dealt with under other procedures, such as the Academic Appeals Procedure, a joint investigation may be carried out. In such cases, the apprentice will be informed where responsibility for the overall investigation lies and who will issue the final decision.

¹ Academic judgement is a term found in Part 2 of the Higher Education Act 2004. The Office of the Independent Adjudicator states that academic judgment is not any judgment made by an academic, but a judgment that is made about a matter where only the opinion of an academic expert will suffice. For example, a judgment about assessment, a degree classification, professional suitability, research methodology or course content/outcomes and how best to teach, will normally be academic judgment.

4. Complaints Process

- 4.1 In order to be considered, a complaint must be received no later than three months after the incident that gave rise to the complaint. The School does not routinely extend time limits for making complaints. If a complaint is submitted outside the three-month deadline, it will normally be deemed out of time. In exceptional circumstances, some flexibility may be exercised where an apprentice makes a demonstrable case in writing that they would not be reasonably able to submit the complaint within the three-month period. In such cases, the apprentice must have evidence to support the reason/s for making a late complaint.
- 4.2 At all stages of the complaints process an apprentice should avoid disclosing **unnecessary** personal information (e.g. medical conditions etc.) **unless** they feel it is relevant to the issues raised. The complainant **must** also avoid disclosing personal data of another person/s in the complaint/s unless they have been given written permission by the person/s to do so.
- 4.3 The Complaints Process itself consists of three stages, an informal stage, a formal complaint, and a review.

Stage One – Informal Discussion

- 4.4 An apprentice who has concerns should first raise the concern/s with their Lead Tutor as soon as possible after the incident/s occurred. Informal concerns which are raised at this stage (and at Stage Two) more than **three months** after the incident/s occurred may be deemed out of time and they may not be considered. A brief record of the discussion should be made by the Lead Tutor and shared with the apprentice. This informal resolution of a concern should normally be completed within five working days of the concern/s being raised.
- 4.5 If an apprentice's concern/s are not satisfactorily resolved through the initial informal discussion with the Head of Department, they may then choose to lodge a formal complaint.

Stage Two – Formal Complaint

- 4.5 If an apprentice is dissatisfied with the outcome of the meeting with the Head of Department or feels the issue cannot be reasonably resolved within the department, they may, within 10 working days from meeting, submit a formal complaint. The complaint must set out in full the grounds for the complaint and must be submitted electronically to the School's Registrar.

The apprentice will need to:

- make clear the details of the complaint in writing;
 - provide any evidence to support his or her complaint;
 - outline clearly the outcome being sought
 - confirm their contact details.
- 4.6 An apprentice submitting a formal complaint more than 10 working days after Stage One must provide a satisfactory explanation as to why they were unable, for good reason, to submit a formal complaint in writing, electronically, within the required timescale.
- 4.7 On receipt of the formal complaint the Registrar will undertake an eligibility check which will determine of the following:
- i. that the complaint falls under the scope of this procedure, in which case the complaint shall be put forward for further consideration;
 - ii. that the complaint is ineligible since it does not fall under the scope of this procedure;

- iii. that the complainant has failed to comply with the deadline for the submission of a complaint and failed to demonstrate good reason for not having met this deadline, in which case the complaint will be dismissed.
- 4.8 In all cases, the apprentice will be informed in writing (normally within 10 working days) of the outcome of the eligibility check. A Completion of Procedures letter will be issued to a complainant whose case has been dismissed.
- 4.9 Once accepted, the Registrar or nominee will investigate the complaint and will ask the relevant Head of Department to comment on it. They will also meet with the apprentice to discuss the complaint. If the complaint is about a member of staff, they may also meet with the staff member/s concerned as well, in which case it may be necessary to involve the Head of HR. If the complaint is about another apprentice or student, they may also meet with them or their Head of Department.
- 4.10 If the complaint is about a member of staff or an apprentice or student at the School, the Registrar will ensure that the principle of 'right of reply' is upheld by giving all parties an opportunity to fully respond to the matters raised in the complaint through written statements and/or by minuted and verified individual interviews in support of, or challenge to, the complaint.
- 4.11 On completion of the investigation, the Registrar will refer the complaint to a meeting of the Complaints Committee for a decision, or exceptionally recommend a Complaint Hearing.
- 4.12 All written information to be used by the Complaints Committee in reaching a decision will be made available to the apprentice before the meeting, and they will have an opportunity to provide a further statement if they wish to but should **not** provide further evidence.
- 4.13 Having completed its consideration of the complaint, the Committee shall determine one of the following outcomes:
- there is a reasonable justification for the complaint/s in which case the committee will consider appropriate redress in accordance with 4.14 below (if the complaint/s were about a member of staff or another apprentice or student it may not be possible to disclose to the complainant the full nature of the redress taken due to employment/data protection legislation);

or

- there is no reasonable justification for the complaint and that it be dismissed.

Redress

4.14 Redress is what is offered to the complainant if the investigation concludes that there should be a remedy offered to address the problems raised. Redress will fit the circumstances of the case and may include one or more of the following:

- an apology from the School;
- an opportunity to repeat the experience under better circumstances (not applicable to academic assessment process or results which constitute academic judgment);
- the provision of a change to the organisation or nature of the School's service or facilities or regulations if found at fault;
- any other appropriate action.

4.15 The apprentice will be notified of the outcome within five working days of the decision being made. The apprentice should also be informed of any next steps s/he may need or want to take and of their right to request a review of their concerns (see Section 5 below).

Complaint Hearings

4.16 When a complaint is to be decided by a complaint hearing (for example, in cases of substantial complexity), the Registrar will arrange for a Chair of the Complaints Committee to be appointed.

4.17 The Chair of the Complaints Committee will then:

- convene within 10 working days a meeting of the Complaints Committee (herein after referred to as a complaints hearing or hearing). If the hearing cannot be held within 10 working days, it must be held within 28 working days upon receipt of the formal complaint;

- appoint members to the complaints hearing panel (see Section 6);
 - invite staff members as appropriate to speak to the hearing;
 - invite apprentices as appropriate to speak to the hearing;
 - invite the apprentice to attend a complaints hearing to present their case at the earliest opportunity but no later than five working days before the hearing is due to take place;
 - remind the apprentice that if they decide to attend the hearing in person, that they have a right to be accompanied by a current apprentice or current staff member;
 - provide the apprentice no later than five working days before the hearing with information about the composition of the complaints hearing panel and a copy of the information relevant to his or her case that will be considered.
- 4.18 The School reserves the right to carry out the complaints hearing without the apprentice present, especially in cases where it is deemed that the complaint should be dealt with as a matter of urgency. For example:
- where there is a threat of serious harm;
 - where the impact of the issues raised might harm the apprentice's health;
 - where the apprentice is experiencing significant distress;
 - if it relates to disability support;
 - issues of a highly sensitive nature.
- 4.19 If the apprentice demonstrates a very good reason for being unable to attend the hearing in person, they may, at the discretion of the Chair of the Complaints Committee, attend via video call.
- 4.20 The apprentice and the panel members shall receive a copy of the complaints file in advance of the meeting. This shall normally contain the following:
- the apprentice's formal complaint;
 - any evidence submitted by the apprentice in support of their complaint;
 - a copy of any written statements or minuted interviews from any staff members or apprentices who may be the subject of the complaint or who may have other information relevant to the complaint;
 - a copy of the procedures that have been applied;
 - other documents may also be included where appropriate.

- 4.21 If any of the documents in the complaints file contain sensitive information, the Chair may wish to limit who sees all the evidence as long as it does not affect the fairness of the procedure.

Conduct of Panel Hearings

- 4.22 Panel hearings are normally conducted as follows (in exceptional cases the panel may decide to vary the following procedures according to the circumstances of the particular case):
- i. The members of the panel hold a preliminary discussion amongst themselves in private.
 - ii. All parties are invited into the hearing. The Panel Chair introduces the panel members, explains the role of the hearing and the way in which the hearing will be conducted.
 - iii. The apprentice is invited to present their case, with whatever supporting evidence they wish to offer.
 - iv. If the complaint is about a member of staff or another apprentice or student, they are invited to present any supporting evidence to challenge the complaint.
 - v. Any person/s accompanying the apprentice are invited to speak.
 - vi. When all the evidence has been presented, the panel members may ask questions of the apprentice and/or staff or students if the complaint involves them.
 - vii. The Chair will invite anyone present to ask further questions or to provide further information.
 - viii. The apprentice is invited to make a brief final statement.
 - ix. All parties in attendance, except the panel members and the Secretary (and Clerk, if one is appointed), are asked to leave the room while the panel deliberates and reaches a decision.
- 4.23 After due consideration of the arguments of the apprentice concerned and any other person who has appeared before the hearing panel, the panel determine of the outcomes as described in 4.13 above.
- 4.24 The apprentice will be notified of the outcome within 5 working days of the decision being made. The apprentice should also be informed of any next steps they may need or want to take and of their right to request a review of their concerns (see Section 5 below).

Stage Three: Review

- 4.25 An apprentice who considers that their complaint has not been given full and proper consideration can request a review of their concern/s. Any request for a review should be made within 10 working days of receiving the outcome of the complaint hearing.
- 4.26 A review may be requested on one or more of the following grounds only, that:
- i. there has been a material procedural irregularity which has demonstrably affected the outcome of the Stage 2 complaint;
 - ii. the outcome at Stage 2 is unreasonable given the facts of the case;
 - iii. there is material new evidence which the apprentice was unable, for valid reasons, to provide when the Stage 2 complaint was made and which would have significantly affected the outcome of the Stage 2 complaint.

The apprentice will need to:

- make a formal request for a review in writing to the Director of Curriculum;
 - make clear which of the three grounds for a review under Section 4.25 they wish the review to be held under and provide evidence that a review is justified;
 - provide the Director of Curriculum with a copy of the Stage 2 complaint and evidence;
 - make clear the remedy sought;
- 4.27 Upon receipt of a request for a review from an apprentice, the Director of Curriculum should:
- write to the apprentice to acknowledge receipt of the request for a review;
 - inform the apprentice when they might expect to hear the outcome of the review, which should normally be within 10 working days;
 - undertake a review of all the evidence and documents supplied by the apprentice and by the Complaints Committee.

The Director of Curriculum reserves the right to ask one or more members of School staff to assist in the review.

4.28 Having completed the review, the Director of Curriculum will decide:

- that the apprentice's complaint was justified and shall arrange for its redress (if the complaint/s were about a member of staff or another apprentice or student it may not be possible to disclose to the complainant the full nature of the redress taken due to employment/data protection legislation)

or

- that the complaint was not justified and be dismissed.

4.29 The Director of Curriculum will then contact the apprentice and inform them of the decision and arrange for a Completion of Procedures Letter to be issued to the apprentice.

4.30 All apprentices have the right to take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA). Once a Completion of Procedures Letter has been issued, an apprentice may apply for external review of their concern by the OIA, in accordance with the OIA's scheme.

5. If an apprentice is unhappy with the outcome

5.1 An apprentice can complain to the Education and Skills Funding Agency (ESFA) about how their complaint was handled.

5.1 The ESFA does not deal with complaints about employment issues (for example, a problem with an apprenticeship employment contract).

5.1 You must contact the ESFA within 12 months after the issue happened.

5.1 Email or post the complaint to the ESFA complaints team:
complaints.ESFA@education.gov.uk

Complaints team

Education and Skills Funding Agency

Cheylesmore House

Quinton Road

Coventry

CV1 2WT

The ESFA will reply to let you know what will happen next.