

# Employer Complaints Procedure (ECP)

<b>Date of Issue</b>	TBC	<b>Policy Owner</b>	Senate	<b>Review Date</b>	August 2020
<b>Version No.</b>	1.0	<b>Main Contact</b>	Dr Sam Hardy		
<b>This policy will be reviewed and approved through the University's Governance structure in October 2019.</b>					

## 1) Overview of the Procedure

- 1.1 The University of Warwick is committed to providing a high-quality service to apprentices and our collaborative partners from the first engagement of services, throughout the programme of study, to successful completion of the apprenticeship programme, and beyond as part of the Warwick global community.
- 1.2 As a lead Higher Education Institution (HEI) provider for Higher Education and apprenticeships, the University of Warwick is responsible for resolving issues and disputes with and between employers and, where relevant, other providers, including sub-contractors, who undertake services for the University to deliver apprenticeships.
- 1.3 The Education and Skills Funding Agency (ESFA) requires lead HEI providers to provide employers with a written complaints and dispute resolution procedure. Therefore, this policy addresses that requirement by setting out a complaints framework for employers to refer to, to raise and resolve complaints. The University firmly believes that action taken as a result of complaints will aid the University to improve the quality of service that it provides for apprenticeships.
- 1.4 The University actively encourages feedback from employers on all aspects of the apprenticeship programme. This could be feedback on the level of customer service provided by the University to the employer, the legal and/or financial aspect of the relationship or on the delivery of the apprenticeship programme to its apprentices.
- 1.5 However, there may be occasions when the level of service received by the employer, falls short of what might reasonably be expected throughout the apprenticeship programme.
- 1.6 The aims of the formal Employer Complaints Procedure are:
  - To resolve complaints in a timely, effective and fair manner.
  - To resolve complaints as close as possible to the academic or service area in which they arise.
  - To ensure that the decision-making processes for complaints and disputes are fair and transparent to the complainant.
  - To give all parties a clear procedure for escalating concerns that cannot be resolved at the level where they arise.
  - To take action to resolve or address the underlying causes insofar as possible, to prevent a reoccurrence of this the issue.

## 1.7 The Employer Complaints Procedure has 3 stages:

- 1) Frontline / Local Resolution.
- 2) Formal Departmental / Work-based & Professional Learning Team investigation and resolution.
- 3) Official Complaint Review.

- *Please note all 3 levels are explained in detail further on in the document*

1.8 Early resolution of the complaint should be pursued, and it is expected that the vast majority of complaints will be resolved at Stage 1.

1.9 The University of Warwick is continually looking for, and is open to, feedback and will respond quickly and decisively to correct any issue.

1.10 However, should any complaint not be resolved through this internal three stage process, employers may also raise queries, concerns and complaints independently to the Education Skills Funding Agency (<https://www.gov.uk/government/organisations/education-and-skills-funding-agency>)

- The Education Skills Funding Agency Complaints Team can be contacted by:
  - **Email:** [nationalhelpdesk@apprenticeships.gov.uk](mailto:nationalhelpdesk@apprenticeships.gov.uk)
  - **Telephone:** 08000 150400
- Please note to make a complaint, employers must start at Stage 1 of the University's ECP by contacting the Work-based & Professional Learning Team by emailing [apprenticeships@warwick.ac.uk](mailto:apprenticeships@warwick.ac.uk) or, by speaking with the Programme Manager that they have been in contact with since the programme started. If there are truly exceptional circumstances i.e. regarding a member of staff, bullying or sexual harassment etc, then please refer to the relevant section in this document on who to contact.

## 2) What is a Complaint?

2.1 A complaint is defined for this Procedure as “an expression of significant or sustained dissatisfaction where an employer who has employees on an apprenticeship programme (apprentices) at the University, seeks action to address the problem in which the complaint relates to”.

### 3) Scope

3.1 This procedure applies to you if you are:

- Dissatisfied about the University's action, inaction or standards of service which has been provided by, or on behalf of the University, on or off the campus, to the employer themselves or, the apprentice enrolled at the University of Warwick which they have not been able to resolve through informal processes; and
- An employer who partially or fully sponsors an apprentice's study; or
- An employer who directly contracts (partially or fully) apprenticeship training with the University as the main provider.

3.2 The university endorses and adopts the principle of freedom of speech and expression within the law as one of the key principles upon which all institutions of learning should be founded. It also has regard to the need to ensure that academic staff of the University have freedom within the law to question and test received knowledge, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the university. Every person employed at the University and the Students' Union and every apprentice enrolling at the university should be aware that joining the university community involves obligations and responsibilities which are consistent with the above principle and the law.

3.3 The University reserves the right to control and establish the content of their courses and the way they are taught, supervised or assessed, the criteria for the admission of studies and how these criteria are applied in specific cases. Therefore, complaints about such matters, in some circumstances, may be outside the scope of this procedure.

3.4 This process can be used for all complaints that employers wish to raise with the University in relation to apprenticeship provision. Complaints from apprentices are outside the scope of this policy. Where an apprentice is dissatisfied with any aspect of their degree apprenticeship, they should raise relevant matters with the University via the University's Student Complaints Resolution Procedure (SCP). Details of the SCP can be found via the following link:  
<https://warwick.ac.uk/services/gov/complaintsandfeedback/>.

3.4.1 The University encourages apprentices to use the SCP, as they will be more familiar with the details and circumstances of their complaint. Where possible, the employer and their Student-employee should agree whether to submit an Employer Complaint under this procedure or, a Student Complaint using the Student Complaints Resolution Procedure in relation to an issue to avoid duplication.

The Employers Complaints Procedure should not be used as a substitute for the University's internal procedures which relate to specific issues an apprentice may encounter. For example, academic appeals would be a separate avenue to pursue. The different avenues of complaints can be found via the following link:  
<https://warwick.ac.uk/services/feedbackcomplaints/>.

## 4) Roles and Responsibilities

### 4.1 Relevant roles on behalf of the University are:

- 4.1.1 The **Programme Manager** is the primary point of contact for employers or subcontractors to elevate issues and seek early resolution. Throughout the duration of the apprenticeship, if employers have concerns about the quality of training, this can be raised with the Programme Manager at any stage. Feedback will be escalated to the Programme Management Group, which includes teaching staff, Apprenticeship Tutors and Programme Manager and Academic Programme Director, and meets quarterly. It is the responsibility of the Programmes Management Group (PMG) to monitor ongoing issues with training provision, maintain a Risk and Issues Register and create an action plan to address these. Annual Apprenticeship Review meetings with employers once a year and led by the Programme Manager.
- 4.1.2 The **Academic Director of Partnerships** is the operational policy owner responsible for monitoring implementation of the policy, advising authorised on individual complaints and disputes.
- 4.1.3 The **Business Development Manager** manages the relationship on a day-to-day basis with the employer
- 4.1.4 **Stakeholder Groups** managed by the academic departments are established for each programme and meet twice a year with representatives from employer partners and a designated apprentice representative, to review the programme and provide feedback throughout the lifecycle of the apprenticeship, and work with us to assess where changes need to be made to improve our programme delivery.
- 4.1.5 **Employers** will be requested to undertake an annual survey. At least once a year, the PMG must undertake an Annual Programme Review (APR) and include representation from employers. The APR must take into consideration outcomes of the quarterly PMG meetings, Stakeholder Group meetings, employer surveys and the Education and Skills Funding Agency survey.
- The University of Warwick is committed to continuous improvement to ensure outstanding service levels for our employer partners. We welcome feedback and ensure we engage proactively with employers on both an informal and formal basis throughout the year, culminating in an annual, contract review meeting.
  - The University has put this robust responsibility structure in place as employer feedback is key to enable us to evaluate the quality of training and outcomes for apprentices and supports our drive for continuous improvement to ensure we deliver service excellence.

## 5) Anonymous Complaints

- 5.1 Complaints submitted anonymously will only be considered if enough information is provided to enable the University to investigate the complaint. Employers are discouraged from making anonymous complaints as it hinders the investigation process and there is little prospect of appropriate resolution.
- 5.2 Informal feedback about a service provided by, or activity run by the University, is encouraged and can be submitted anonymously.
- 5.3 If enough information about the issue is not provided, the University will be unable to pursue the investigation and the complaint will be closed.
- 5.4 If a complaint cannot be investigated immediately, the key aspects of the complaint will be recorded, and further investigation may be carried out if it is later deemed possible and appropriate.
- 5.5 For a complaint to be investigated, the member of staff investigating the matter will maintain confidentiality of the complaint and its contents as far as is possible.
  - 5.5.1 However, it is likely that the complaint or aspects of it will need to be shared with those involved in resolving the complaint or any relevant staff and apprentices during the investigation.
  - 5.5.2 Should a complaint be made directly against another individual, these elements of the complaint would typically need to be shared with them so that they have the opportunity of reply in their own defence as required by natural justice.
  - 5.5.3 The outcomes and recommendations from complaint investigations may be shared across the University in the spirit of institutional learning, however any personal information will be removed and handled in accordance with the University's Data Protection Policy.

## 6) Complaints which are related to matters subject to police investigation

- 6.1 If the issue or event initiating the complaint is the subject of, or related to a police investigation, the University may suspend the Employer Complaints Procedure pending the completion of that investigation. Where appropriate, any criminal proceedings may continue in parallel.
  - 6.1.1 This will be decided on each individual case and its merits in relation to police investigation and, where appropriate, in dialogue with the police and the University's Legal Team.

## 7) Vexatious and Malicious Complaints

- 7.1 If, at any time, there is evidence that complaints have been made vexatiously or maliciously or the complaint is deemed not of genuine substance by the Academic Registrar, no further action will be taken regarding the complaint and it will be closed.
- 7.2 All staff and apprentices at the University, and the collaborative partners we work with, have the right to be treated fairly, and a responsibility to encourage a culture of dignity and respect and to challenge inappropriate behaviour. Managers, and others in a position of authority, have a responsibility for leading by example, identifying harassment or bullying if it occurs and taking prompt action to stop it. However, if vexatious and malicious complaints occur, this is a waste of University resource which could be used for genuine complaints.

## 8) Harassment and bullying

- 8.1 The University regards all forms of harassment or bullying as unacceptable and will not be tolerated. Conduct may constitute harassment or bullying whether or not the person behaving in that way intends to cause offense. This also applies to people who are not the subject of the harassment or bullying, but who may witness and be offended by it. Harassment or bullying creates conditions or an environment about which a person could justifiably complain and where a person's dignity is violated.
- 8.2 Bullying is a form of harassment and can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure.
- *The University recognises that in **sensitive matters** such as, but not limited to – extreme bullying, sexual harassment, physical crimes and crimes of sexual nature; victims are strongly encouraged to not use the below process and report such matters to the police, first. The victim should also immediately report any such incident to someone in authority in the University, e.g. University Security, your Warden (if you live on campus), your Personal Tutor or Head of Department.*
- 8.3 The **Dignity at Warwick Policy** outlines unacceptable behaviours and the process on reporting and dealing with inappropriate behaviour. Therefore, please refer to our Dignity at Warwick Policy for more information:  
<https://warwick.ac.uk/services/equalops/findsupport/dignityatwarwick>.

## 9) The 3 stages of the University's Employer Complaints Procedure

- 9.1 The University's Employer Complaints Procedure is intended to provide a streamlined process with a focus on early resolution. This procedure has three stages.

## 9.2 Stage 1 – Frontline/ Local Resolution

- 9.2.1 Employers are encouraged to raise complaints as soon as they become aware of the problem and to raise it with the Programmes Manager by emailing [apprenticeships@warwick.ac.uk](mailto:apprenticeships@warwick.ac.uk).
- 9.2.2 The Programmes Manager will lead on achieving a local resolution and will work with the relevant person(s) to resolve the issue quickly and effectively.
- 9.2.3 Stage 1 complaints may be raised in person, by email, in writing or by phone. The purpose of Frontline / Local Resolution is to attempt to resolve as quickly as possible complaints which are straightforward and typically would require little or no investigation.
- Email: [apprenticeships@warwick.ac.uk](mailto:apprenticeships@warwick.ac.uk)
  - University Address: Work-based & Professional Learning, Academic Registrar's Office, 2<sup>nd</sup> Floor, University House, Kirby Corner Road, CV4 8UW
  - Telephone Number: +44 (0)24 7652 3523 and ask for the Work-based & Professional Learning Team, Academic Registrar's Office
- 9.2.4 Stage 1 Frontline / Local Resolution will typically be completed within 20 University working days, though a resolution will be sought as quickly as possible, before the 20 University working day period has lapsed. However, if the issue(s) are complex and requires a longer period for resolution, the target date will be agreed with the employer before the fifth University working day is reached.
- 9.2.5 In exceptional circumstances a short extension of time may be necessary to increase the possibility of resolving the complaint (for example by obtaining information from other areas of the University) at this stage.
- 9.2.6 Local Resolution may be achieved by providing an on-the-spot explanation as to why the incident or problem occurred and/or an apology, as appropriate.
- 9.2.7 Depending on the nature of the complaint, the outcome of Stage 1 will be communicated to the employer either verbally or in writing. The employer will be informed of the decision made, the details of the decision and why that decision has been reached. Furthermore, details of any remedies that have been proposed in order to resolve the complaint and if applicable, information on how to progress the complaint to stage 2.

## 9.3 Stage 2 – Formal Departmental/ Degree Apprenticeships Team Investigation and Resolution

- 9.3.1 This stage is led by the University's Academic Director of Partnerships supported by the Programmes Manager.
- 9.3.2 The purpose of investigating is to establish all the facts relevant to the points made in the complaint and to provide a full, objective and proportionate response.



- 9.3.3 If the employer wishes to escalate a complaint to Stage 2, they must email the complaint and any supporting documents to [apprenticeships@warwick.ac.uk](mailto:apprenticeships@warwick.ac.uk) within 10 working days of the stage 1 resolution being communicated to the employer. This will be registered, acknowledged and recorded within 5 University working days of the email received date and then escalated to the Academic Director of Partnerships for review.
- 9.3.4 A Stage 1 complaint will be escalated to Stage 2 if:
- A local resolution has been attempted but the employer remains dissatisfied following receipt of the Stage 1 outcome and therefore wants to escalate; or
  - The issue(s) raised by the employer are complex and require further investigation
- 9.3.5 The Academic Director of Partnerships will investigate the complaint with all of the evidence provided by the employer.
- 9.3.6 The Academic Director of Partnerships will investigate the complaint as they consider appropriate in order to establish all the facts relevant to the points made in the employer's complaint. This may involve interviewing the employer and any witnesses if appropriate, liaising with the relevant department and reviewing any evidence presented by the employer and the University before issuing a response.
- 9.3.7 A full response will be provided to the employer no later than 20 University working days from the time that the complaint, and all associated documentation, was received for investigation.
- 9.3.8 The outcome of Stage 2 will be communicated to the employer in writing, giving a clear explanation for the determination made on each key element of the complaint.
- 9.3.9 Details of the overall outcome and the reasoning for it will be clearly listed.
- 9.3.10 If the employer is still not satisfied with the stage 2 resolution, details of how the employer can escalate their complaint to stage 3 will be provided as part of the written outcome. The employer will be advised on the grounds on which a stage 3 complaint is permissible, the time limit for escalation, the appropriate procedure and the availability of support.
- 9.3.11 The employer has 10 University working days to respond to the stage 2 outcome from the date the outcome was sent to the employer.
- 9.3.12 The employer must respond even if they are satisfied with the outcome so that the complaint can be closed.
- 9.3.13 The complaint will automatically be closed if the 5 University working day response window lapses.
- 9.3.14 The employer will receive written notification if the complaint will be/ has been closed.

#### 9.4 Stage 3 – Official Complaint Review

- 9.4.1 The Academic Registrar is responsible for the official complaint review and will carry out the investigation.
- 9.4.2 An employer who is dissatisfied with the outcome of Stage 2 of the ECP, may request a Stage 3 review within 10 University working days of the written outcome of the Stage 2 process being provided to them. Details of how to submit a Stage 3 review will be explained to the employer in the Stage 2 feedback. A Stage 3 review may be requested when:
- there is evidence of procedural irregularity or bias at Stage 2; or
  - the Stage 2 outcome is considered unreasonable; or
  - material evidence is available that was unavailable at Stage 2 and it is determined that it would not be appropriate for the relevant Department to re-open the case within Stage 2.
- 9.4.3 The employer should set out their concerns clearly and succinctly and provide evidence in support (where possible). The employer must explain how the response received at Stage 2 falls within one or more of the grounds set out above in p 9.4.2 and outline what they think the University should do to resolve the complaint.
- 9.4.4 The University will typically aim to provide a solution within 30 University working days of receipt of the
- 9.4.5 If the University believes the complaint does not satisfy the conditions in 9.4.2, the complaint will be closed. The employer then has the right to begin the ESFA's complaints procedure.

#### 10) Facilitated Discussion

- 10.1 Facilitated discussion as a means of complaint resolution may be sought at any point in this Procedure. Facilitated discussion in the context of complaint resolution is a structured joint attempt to clarify and resolve an incident or problem through dialogue and negotiation, undertaken by a trained facilitator with no connection to the complaint or the other individuals involved.
- 10.2 This is a confidential process which, if successful, leads to a written agreement that is binding on all parties. Facilitated discussion can often bring about an early resolution where both parties understand the other's point of view and co-operate to produce a mutually agreed, workable outcome.
- 10.3 If, however, an agreement is not reached, the parties are not bound by any concessions made during the discussions and can return to the relevant stage in the Procedure. Facilitated discussion may be used at any stage of the Procedure and is offered free of charge to participants.

## 11) Good Conduct

- 11.1 There is an expectation for anybody who wishes to use this procedure must do so professionally, reasonably and fairly towards University staff, and to refrain from conduct, which is abusive, vexatious or aggressive. The University reserves the right to suspend/stop dealing with the employer's complaint if bad conduct takes place.
- 11.2 The University is committed to resolving complaints and wish to work collaboratively to achieve a resolution whereby both parties are satisfied.

## 12) Data Protection

- 12.1 Employers should ensure that they have their apprentices' consent to submit a complaint in relation to any issues affecting them.
- 12.2 The employer must provide the University with the apprentices' consent to share their personal data for the purpose of dealing with a complaint.
- 12.3 The University will hold and share information in line with GDPR stipulations.

## 13) Settlement

- 13.1 A settlement of a complaint can be reached at any stage of the Employer Complaints Procedure. If the complaint has been settled, the employer cannot not escalate their complaint to any later stage of the procedure.

## 14) Independent External Review

- 14.1 If you are an Employer of an apprentice and have exhausted our Employer Complaints Procedure, you reserve the right to report your complaint to the Education Skills Funding Agency using the details below:

14.1.1 Apprenticeship helpline:

**Email:** [nationalhelpdesk@apprenticeships.gov.uk](mailto:nationalhelpdesk@apprenticeships.gov.uk)

**Telephone:** 08000 150400

**Process Flow:**

