

EMPLOYER COMPLAINTS AND DISPUTE RESOLUTION PROCEDURE: HIGHER AND DEGREE APPRENTICESHIPS

1. The University of Suffolk is committed to working closely with employers to deliver high quality apprenticeship provision. This procedure is designed to ensure that there is a mechanism for employers to raise matters of concern with the University regarding apprenticeship provision, and for any resulting formal complaints or disputes to be investigated and resolved.
2. The University of Suffolk welcomes regular feedback from employers as a means to identify good practice and address issues or concerns before they become a cause for complaint. Employers can give their views on apprenticeship provision via a range of mechanisms including liaison with the Apprenticeships Hub and Course Leaders and through formal mechanisms such as course committees and employer liaison groups. The University regards active employer engagement in quality monitoring and enhancement as key to the effective delivery of apprenticeship programmes.
3. Employer complaints will be dealt with promptly and fairly. Where a complaint is justified, an appropriate remedy will be offered, within the bounds of what is reasonable and practicable to provide.

Scope and principles

4. This procedure applies to employers who have apprentices enrolled on higher or degree apprenticeship programmes delivered by the University of Suffolk. It is designed to be used when the employer is dissatisfied with the standards of service provided by the University to the employer and/or their apprentice(s) in relation to the delivery of apprenticeship provision.
5. Employer complaints relating to the conduct of independent End Point Assessment Organisations (EPAOs) fall outside the scope of this procedure. If an employer has a concern regarding the conduct of an EPAO, this should initially be discussed with the University's Head of Apprenticeships. The University may, at its discretion, offer to mediate in any complaint or dispute between the employer and the EPAO, or may advise the employer to raise the complaint directly with the EPAO. The University should be kept updated on progress in relation to any complaint raised directly with the EPAO.

6. Complaints raised by apprentices are outside the scope of this procedure and should be dealt with in accordance with the University's Student Complaints Procedure. If an apprentice and their employer wish to make a joint complaint, the University shall at its sole discretion determine the most appropriate procedure to follow in relation to the complaint, which shall normally be the Student Complaints Procedure.

7. This procedure is not intended to replace any rights of the employer or the University as outlined in the written agreement between the parties in relation to the apprenticeship. If there is a conflict between the terms of this procedure and the written agreement between the parties, the written agreement shall take precedence. Dispute resolution should take place in accordance with the terms of the written agreement, ensuring adherence to relevant confidentiality and data protection clauses.

8. Employers should ensure that they have their apprentices' consent to submit a complaint in relation to any issues affecting them and to share their personal data for the purpose of dealing with the complaint. A complaint relating specifically to the experience of an apprentice cannot be considered via this procedure if the apprentice does not provide such consent, unless the University's Safeguarding Officer deems that it might constitute a safeguarding matter. All personal information will be processed by the University in accordance with the General Data Protection Regulation (GDPR).

9. All parties to the complaint and individuals who are involved in any related investigation and/or administration of the complaint must observe the requirement for confidentiality. While confidential information may need to be disclosed in order to consider the complaint, this will only be to those staff involved in consideration of the complaint.

10. Information which comes to light as a result of a complaint may lead to the University or other agencies taking other kinds of action. This includes staff and student disciplinary procedures and civil or police investigations. If this happens, the resolution of the complaint may be delayed until that other action has been taken. The employer will be informed if this is the case and advised of a new date by which it is intended to complete enquiries into their complaint. Internal disciplinary proceedings will be conducted in accordance with agreed confidentiality requirements as outlined in the relevant University procedure. The University reserves the right to maintain confidentiality in relation to disciplinary matters. If a formal stage complaint by an employer leads to staff or student disciplinary proceedings being initiated, a subsequent review stage complaint cannot lead to further disciplinary proceedings against the student or staff member concerned.

Summary of procedure

11. The Employer Complaints and Dispute Resolution Procedure comprises three stages: an informal stage for early resolution; a formal stage if the employer was not able to resolve their complaint informally and wishes to pursue their concerns further; and a review stage which an employer may follow if they were not satisfied with the outcome of their formal stage complaint.

12. An employer can withdraw their complaint at any point providing the Apprenticeships Hub is advised in writing, but may not later re-launch the same complaint.

13. At any time during or after an informal, formal or review stage complaint, the University may offer to facilitate a voluntary meeting between the relevant parties involved in the complaint, with the agreement of all parties, to help resolve the issue. The use of mediation or conciliation can help both parties to understand the concern and reach a mutually satisfactory conclusion. Where all parties to the complaint agree to mediation or conciliation, an impartial third party (i.e. with no conflict of interest or prior involvement in the case) will be appointed by the Director of Business Engagement and Entrepreneurship to facilitate the meeting and agree the purpose and scope.

Early resolution (informal stage)

14. In the first instance the employer should, whenever possible, seek to resolve the matter in an informal manner by taking it up as quickly as possible with the University's Head of Apprenticeships. At the early resolution stage, the employer should be able to air their concerns and feel that they have been listened to. This is often best done verbally and informally, although an employer may present their complaint in writing if they wish.

15. The Head of Apprenticeships will investigate and attempt to resolve the problem as appropriate, and report back to the employer in a timely fashion. A record will be maintained of the actions taken to consider and resolve the concern, the outcome, and details of what was communicated to the employer and when.

16. Most complaints will not need to progress beyond this initial stage. However, where it is clear that informal resolution is not appropriate or possible; if the employer did not feel able to seek informal resolution; or if the informal approach did not resolve the matter to the

employer's satisfaction, the employer may make a formal complaint under the Formal Stage of the procedure.

Formal stage

17. To make a formal complaint, the employer must submit a completed Complaint Form (available on the University of Suffolk website) to the Apprenticeships Hub (apprenticeships@uos.ac.uk). The employer will need to clearly define the resolution they are seeking and provide any supporting evidence, including evidence of any attempt at early resolution where applicable. Appropriate evidence may include published materials, correspondence, or other written evidence to demonstrate the matter being complained about. The Head of Apprenticeships or nominee may ask the employer for further clarification and/or additional evidence. Where additional evidence and/or clarification is requested from the employer, this should be submitted to the Apprenticeships Hub by the given deadline. Should it not be received by this date, the complaint will be considered on the evidence provided with the original submission.

18. The Apprenticeships Hub will acknowledge the complaint and inform the employer who will be dealing with the complaint (the Investigating Officer), normally within five working days of receipt. The Investigating Officer will have been trained for the role and will normally be the appropriate manager, for example the Dean of School or Head of Service or their nominee, providing they are sufficiently removed from any earlier process. Where there is the potential for a conflict of interest or perception of bias, the Head of Apprenticeships will appoint a senior academic or an appropriate manager from another school or service who has been trained for the role and has had no previous involvement in the matter to act as the Investigating Officer.

19. The Investigating Officer will consider the complaint and may talk to relevant staff and/or apprentices, as well as considering relevant documents and other written evidence. A meeting may also be arranged with the employer to discuss the purpose and scope of the complaint and consider options for a mutually acceptable resolution.

20. If the complaint is against a member of staff, the Apprenticeships Hub will inform the People and Organisational Development team on receipt of the complaint. The People and Organisational Development team will arrange to meet with the Apprenticeships Hub and the Investigating Officer to discuss the scope and purpose of the investigation and any potential link to other procedures should further action be taken (for example under staff disciplinary

or capability) before the Investigating Officer meets with the member of staff to discuss the complaint and give them the opportunity to respond. The member of staff may be accompanied at the meeting by a colleague or trade union representative. On conclusion of the investigation, the Investigating Officer will submit their investigation report to the Director of People and Organisation Development who will determine if any further action should be taken under the appropriate staff procedure. The member of staff will be informed of the outcome, normally within twenty working days of receipt of the complaint from the employer.

21. Following their investigation, the Investigating Officer will produce a report which outlines the process followed, the information gathered, the conclusions drawn and any recommendations. Where appropriate, the Investigating Officer may refer their report in confidence to another trained Investigating Officer unconnected with the case for a second opinion or for the recommendations to be agreed before it is submitted to the Apprenticeships Hub.

22. On receipt of the final agreed report, the Apprenticeships Hub will provide a written response to the employer, normally within twenty working days of the date of the acknowledgement letter. The written response will include the decision with regard to the complaint (justified, partly justified or not justified), the reasons for the decision, and, if the complaint is justified, in part or in full, notice of any specific action to be taken by way of remedy and for the prevention of a recurrence of the original cause of the complaint if relevant. Information will be shared with the employer in accordance with GDPR requirements.

23. Where the complexity of the case or the sourcing of additional information prevents the complaint from being fully responded to within twenty working days, the Apprenticeships Hub will inform the employer of the delay and an expected date by which a full response will be issued.

Review stage

24. If the employer is not satisfied with the outcome of the formal stage, they may proceed to the review stage. The employer must submit a completed Complaints Review Form (available on the University of Suffolk website) and any supporting evidence to the Apprenticeships Hub (apprenticeships@uos.ac.uk) within ten working days of the receipt of the written outcome of the formal stage of the procedure. The employer should contact the Apprenticeships Hub immediately if they are unable to meet this deadline. The Head of

Apprenticeships or nominee will determine whether a late form can be accepted, and this decision will be final.

25. The employer must state the grounds on which they wish to proceed to review stage and must include all necessary supporting evidence and documentation. The employer must also clearly define the resolution they are seeking.

26. The grounds on which a review stage complaint can be considered are:

- a) There is new information put forward by the employer that was not known to the Investigating Officer dealing with the original complaint and which could not have reasonably been made known to the Investigating Officer before they made their decision.
- b) Evidence put forward at the formal stage was not fully and properly considered and/or the outcome was not reasonable in the circumstances.
- c) There was procedural irregularity, prejudice and/or bias, or the appearance of prejudice and/or bias in the conduct of the formal stage.

27. The Apprenticeships Hub will acknowledge receipt of the review stage complaint form and undertake an initial assessment of the form. The Hub will take into account all documentary evidence supplied by the employer, including the original complaints form, investigation report and outcome letter, the complaints review form and any other written response(s) by the relevant manager, and determine whether there are grounds for the complaint to be considered further at review stage.

28. If the Head of Apprenticeships or nominee determines that there is no basis for the complaint to be considered further, they will consult with the Director of Business Engagement and Entrepreneurship. If the decision is made that no further consideration should be given to the case, then the employer will have exhausted the University's complaints procedures. The employer will be informed of this decision in writing by the Apprenticeships Hub, normally within twenty working days of receipt of the review stage complaint form.

29. If the Head of Apprenticeships or nominee considers that there is a basis for further consideration, or if the Director of Business Engagement and Entrepreneurship requests further consideration, then the complaint will be referred to the Pro Vice-Chancellor Business

and Entrepreneurship or nominee. The employer will be informed that the review is proceeding, normally within five working days of the receipt of their review stage complaint.

30. The Pro Vice-Chancellor Business and Entrepreneurship or nominee will conduct the review and assemble the evidence relevant to the complaint. In assembling such evidence, the Pro Vice-Chancellor Business and Entrepreneurship or nominee may interview those involved and will consider any relevant records or other written information. The review should be concluded within fifteen working days of referral to the Pro Vice-Chancellor Business and Entrepreneurship or nominee. If the review is going to extend beyond this time, the employer will be informed and given a likely timescale for completion of the review.

31. On conclusion of the review, the Pro Vice-Chancellor Business and Entrepreneurship or nominee will produce a report setting out the purpose and scope of the review, the process followed, their findings and any recommendations, which will be submitted to the Apprenticeships Hub. The employer will receive a written response from the Apprenticeships Hub within five working days of the completion of the review. The response will include the decision with regard to the complaint, the reasons for the decision, and, if the complaint is justified, notice of any specific action to be taken by way of remedy and for the prevention of a recurrence of the original cause of the complaint if relevant. This represents the conclusion of the University's Employer Complaints and Dispute Resolution Procedure.

Escalation to the Education and Skills Funding Agency (ESFA)

32. At the conclusion of the review stage, if an employer is not satisfied with how their complaint has been handled by the University, they may escalate the matter to the ESFA in accordance with the ESFA complaints process. Contact details for the ESFA apprenticeship helpline are as follows:

Email: nationalhelpdesk@apprenticeships.gov.uk

Telephone: 08000 150400

Monitoring and evaluation

33. The University of Suffolk will monitor and evaluate the effectiveness of the Employer Complaints and Disputes Resolution Procedure and reflect upon the outcomes for enhancement purposes.