

APPRENTICESHIPS

EMPLOYER COMPLAINTS POLICY AND PROCEDURE

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| **Responsibility for Policy:** | Legal Services, Governance and Risk Senior Officer |
| **Version:** | V1.1 - December 2024 |
| **Approved by and date:** |  |
| **Frequency of Review:** | Annually |
| **Next Review date:** | December 2026 |
| **Related Policies:** | Student / Apprentice Complaints Policy and Procedure |
| **Revisions:** |  |

**APPRENTICESHIPS:** **EMPLOYER COMPLAINTS POLICY AND PROCEDURE**

1. **Introduction** 
   1. Liverpool Hope University (the University) is committed to ensuring a high-quality educational experience for its apprenticeship programmes and providing high quality services for employers of its apprentices. However, there may be instances when employers or an apprentice feels dissatisfied with the experience provided by the University or with the way the University or its staff have acted or omitted to act in its delivery of its services.
   2. In such circumstances the University seeks to listen to its stakeholders and find resolutions that are in the best interests of all parties, including employers and apprentices.
   3. As students of the University, Apprentice complaints are dealt with via the [Student/Apprentice Complaints Policy and Procedure](https://www.hope.ac.uk/media/gateway/studentgateway/supportandwellbeing/studentadministrationdocuments/Student%20Complaints%20Policy%20and%20Procedure%20v17Apr24%20.pdf) and all such complaints follow the University’s standard processes.
2. **Purpose and remit of this Policy**
   1. The purpose and remit of this policy is to provide an opportunity for employers to raise any issues or concerns in a way which enables the University to be sensitive to the needs of each complaint and to reach an outcome which is of the benefit to all parties involved.
   2. This Policy is restricted to complaints from Apprenticeship Employers and not for Apprentices (clause 1.3 details the process for Apprentice Complaints).
   3. Complaints will be monitored by the University’s Director of Apprenticeships, to ensure a prompt response is given and that any improvements can be made to the way in which the University manages its apprenticeship provision.
   4. Anonymous complaints cannot usually be dealt with by this procedure, because anonymity makes it harder to investigate fully, and to allow a fair right of reply to any concern raised and to provide appropriate resolution where a complaint is found to have substance. However, an anonymous complaint may be considered if there is a compelling case, supported by evidence, for the matter to be investigated. This decision will be made by the Deputy Vice-Chancellor & Provost or their nominee.
   5. The University is unable to consider:
      * + complaints considered to be frivolous, vexatious, defamatory or abusive;
        + complaints arising from other non-related Apprenticeship relationships between the Employer and the University where the University deems that there is a more appropriate mechanism for dealing with such disputes;
        + complaints which are the subject of an on-going legal claim or criminal investigation are unlikely to be investigated until the conclusion of the legal process.
   6. The University aims to deal with complaints fairly, thoroughly and promptly. On occasions the complexity of a complaint, difficulty convening meetings or a delay in obtaining required evidence may mean indicative timescales within this Policy have to be extended. The University will always endeavour to extend timeframes by agreement.
   7. This procedure meets the requirements of the [Education and Skills Funding Agency (ESFA)](https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa/complaints-about-post-16-education-and-training-provision-funded-by-esfa) and all complaints are managed via a central services team – full information can be found [here](https://www.hope.ac.uk/gateway/students/studentenrolmentandadministration/commendationscomplaintsandappeals/).
   8. Employer complaints relating to the conduct of independent End Point Assessment Organisations (EPAOs) fall outside the scope of this policy. If an employer has a concern regarding the conduct of an EPAO, this should initially be discussed with the University’s Director of Apprenticeships who can advise on the options available to the Employer. The University should be kept updated on progress in relation to any complaint raised directly with the EPAO.
3. **Complaints Procedure** 
   1. Stage 1 – Informal Stage
      1. Prior to submitting a formal complaint, it is recommended that the employer raise any concerns with the University informally. This provides the opportunity for the University and the employer to discuss the concerns in an attempt to bring about an early resolution.
      2. In the first instance, the employer should make contact the Director of Apprenticeships (or their nominee) who is trained in dealing with complaints and who has overall responsibility of the University’s relationship with employers – initial complaints are sent to [apprenticeships@hope.ac.uk](mailto:apprenticeships@hope.ac.uk).
      3. The Director of Apprenticeship (or their nominee) will normally acknowledge the complaint within 5 working days of receiving it and will make arrangements to discuss the concern directly with the employer on an informal basis at a convenient time and as soon as possible. Where possible the complaint will be resolved at this stage.
      4. If the complaint cannot be resolved within 10 working days of the concern first being discussed with the employer, then the Director of Apprenticeship (or their nominee) will ensure that the complainant is kept up-to-date with the progress of their complaint. The University aims to conclude the informal complaint stage within one calendar month of the complaint being raised.
      5. If the complaint relates to the Director of Apprenticeships it will be investigated by a University staff member who is independent of the Apprenticeship Team . In these circumstances the complaint should be raised for consideration via the Case Worker at [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk).
      6. The Director of Apprenticeships will log all informal complaints (Stage 1) and a report will be provided to each Faculty Academic Committee (as per the specific subject area).
   2. Stage 2 – Formal Stage
      1. Should the employer be dissatisfied following completion of the informal stage or feel that their concerns have not been adequately resolved in a timely manner, the employer can request a formal review, in writing by completing the Stage 2 Employer Complaint form (Appendix 1) and submitting it to the University’s Case Worker by emailing [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk) for further consideration.
      2. This written complaint should include:
         * the nature of the complaint;
         * any supporting documentation;
         * details of discussions undertaken at the informal stage of the process;
         * the reasons why the complaint has not been adequately resolved;
         * the desired outcome;
         * any further relevant information.
      3. The Case Worker will normally acknowledge receipt of the complaint within 5 working days of receiving it and contact will be made with the employer to discuss their concern/s and better understand the issues in more depth. Further steps will then be agreed to try to resolve the complaint. Depending on the complexity of the complaint this may require the appointment of a senior staff member as an “Investigating Officer”. This person will not have been previously involved with your complaint.
      4. Following the stage 2 investigation, an outcome letter will be sent to the Employer setting out the reasons for the decision The outcome of the complaint investigation will normally be communicated to the Employer no later than one calendar month from the date the Stage 2 complaint was lodged with the University
   3. Stage 3 – Review Stage
      1. If an Employer is not satisfied with the outcome of the formal Stage 2 complaint, they may request a further review of the finding by completing the Stage 3 Complaint Form (Appendix 2). The grounds on which a Stage 3 review can be sought are as follows:
         * The University made a material error in following its complaint procedure; or
         * The outcome was unreasonable in light of the evidence available; or
         * New material evidence has come to light which you were unable, for valid reasons, to provide earlier in the process.
      2. A Stage 3 Review should be submitted the [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk) within 10 working days of the Stage 2 outcome letter being issued.
      3. The University will not re-investigate the complaint but it will review the decision to ensure that appropriate procedures have been followed and that the decision is reasonable. If it is agreed that material new evidence is available, this will form part of the Stage 3 process.
      4. The matter will be referred to the Deputy Vice Chancellor (or their nominee), who will be advised throughout the review stage by the Legal Services, Governance and Risk Senior Officer. The Vice Chancellor may appoint an appropriate staff member to review the matter, undertake any appropriate further enquires, and make recommendations
      5. You will usually receive a response from the Vice Chancellor (or their nominee) within 3 calendar weeks of receipt by the University of your notice to request a review.
      6. If the Vice Chancellor finds that you have established one of the grounds set out above, the Vice Chancellor has the discretion to either:
         * appoint a new Investigating Officer and the procedure set out above for the investigation will be followed;
         * or substitute an alternative outcome.
      7. If a new investigation is undertaken, further timescales will be communicated to you.
      8. If the Vice Chancellor (or nominee) upholds the original outcome, or if you do not accept an alternative outcome proposed, you will be sent an “Employer Completion of Procedures” letter saying that you have come to the end of the Liverpool Hope University complaint procedure.
      9. This marks the end of the University’s internal procedures.
4. **Referral to the Education and Skills Funding Agency (ESFA)** 
   1. Wherean employer remains dissatisfied with the outcome following raising a complaint with the University then, in certain circumstances, it can be escalated to the Education and Skills Funding Agency (ESFA). The circumstances in which a complaint can be escalated to ESFA can be found [here](https://www.gov.uk/government/organisations/education-and-skills-fundingagency/about/complaints-procedure#checkcomplaint).
   2. ESFA can be contacted by email: [customer.complaints@education.gov.uk](mailto:customer.complaints@education.gov.uk) or by written correspondence by submitting a letter to:

Customer Service Team,

Education and Skills Funding Agency

Cheylesmore House

Quinton Road

Coventry CV1 2WT

1. **Confidentiality**
   1. If information within a complaint is to be kept confidential, the complainant should make this clear when making the complaint. However, it should be noted that in exceptional circumstances it may not be possible for confidentiality to be assured, for example, where a criminal offence or potential gross misconduct has been disclosed or if there are any safeguarding concerns. Additionally, the demand for confidentiality may make it difficult or impossible for the University to assist the complainant to resolve the issue in question.
   2. Please be aware that we may not be able to disclose the full details of actions and interventions where complaints are about members of staff, due to the University’s obligations regarding confidentiality in employment matters. However, we will endeavour to provide general outcome information where possible.
2. **Data Protection** 
   1. Complaints will be handled with discretion and access to information will only be provided to those who have a legitimate interest for the purposes of facilitating investigations. In determining this, the University will have regard to legislative requirements for example, data protection and freedom of information legislation, as well as internal University policies and regulations.
   2. Data Protection legislation specifies that individuals have a right to access information concerning them, except in limited circumstances. This means that any third party identified in a complaint, may have an entitlement to access the information that has been written about them.. They would not have an entitlement to receive personal data belonging to others involved in the complaint process.
   3. Equally, individuals that are the subject of a complaint have a right to understand the nature of the complaint about them in order that the complaint can be adequately investigated and to ensure they are afforded a fair opportunity to respond.
3. **Monitoring the Policy**
   1. The University will review this Policy every two years to enable the University to continuously improve its services and ensure an inclusive, consistent and constructive approach to Employer complaints. In exceptional circumstances the Policy review may take place sooner.



**APPENDIX 1**

**STAGE 2 EMPLOYER COMPLAINT FORM**

Apprenticeship Employer Complaint Form (Stage 2)

Please read the University’s full procedure before you complete this form. You must have tried to resolve your complaint with t concerned (Stage 1 of the Procedure) before making a formal complaint to the university. If you do not complete all parts of this form or fail to enclose all relevant documents the investigation into your complaint may be delayed.

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| **Your Details** |  |
| **Name:** |  |
| **Company name** |  |
| **Address** |  |
| **Phone Number** |  |
| **Email address** |  |
| **Phone Number** |  |

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| **Your Complaint** |
| Please summarise your complaint here. Note that it will help your complaint if you are able to provide evidence to back up your complaint: |
| **Action Taken So Far** |
| Explain briefly what steps you have taken with the University to resolve your complaint and why you are not happy with the response (for example with the response from the Apprenticeship Team). If you have not tried to resolve your complaint with the Apprenticeship Team it will be referred to the Director of Apprenticeships for consideration: |

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| **Your Ideal Outcome** |
| Explain briefly what you would consider to be a satisfactory resolution to your complaint: |

**Confidentiality and Disclosure:**

If you have included any sensitive information about yourself in your complaint or in your evidence, it may be necessary to share this with those involved in processing and considering your complaint. This is known as Special Category Data and covers, but is not limited to, the following types of data: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The University will require your **explicit consent** to be able to receive and use your Special Category Data.

The outcome of the complaint will be recorded in the case coordinator’s database by the case coordinator and will be shared only with members of staff where the outcome requires an action on their part. However, these individuals will not have access to the detail behind this decision. The University also compiles statistics on complaints but these are anonymised so that individuals cannot be identified.

Your Special Category data will be treated as confidential by all members of staff who receive it in line with the process set out above. In addition to any staff named in your complaint, the information will also be seen by the case coordinator, the Head of Legal Services, Governance and Risk, the Investigating Officer, the Director of Apprenticeships and the Vice Chancellor or nominee. The Special Category data will be stored and processed in accordance with the [University’s Data Protection Policy](https://www.hope.ac.uk/aboutus/governance/dataprotection/).

In order to process the information you have provided your consent is required. Please note you can withdraw your consent at any time by contacting the caseworker.

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| **Consent** |
| Please tick the box below to give consent for the University to process the data you have provided relating to Special Category Data and to confirm that you understand that the processing may involve sharing your Special Category Data as set out above. |
| Name:  Date |

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| **Next Steps** |
| What to do once you have completed this form. Please send this form and any supporting documentation (e.g. evidence) to [caseworker@hope.ac.uk](mailto:caseworker@hope.ac.uk).  If you have a disability that requires reasonable adjustments to accommodate your needs during the appeal process, please provide details below: |



**APPENDIX 2**

**STAGE 3 EMPLOYER COMPLAINT FORM**

Please read the University’s full procedure before you complete this form. You must have submitted and received and outcome for a Stage 2 Employer Complaint before submitting this Stage 3 Employer Complaint Form. If you do not complete all parts of the form, or fail to enclose all relevant documents, the investigation into your Stage 3 Complaint may be delayed.

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| **Your Details** |  |
| **Name:** |  |
| **Company name** |  |
| **Address** |  |
| **Phone Number** |  |
| **Email address** |  |
| **Phone Number** |  |

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| **Grounds for Review** |
| Which of the following are the grounds for review (you may tick more than one box as appropriate)?   * The University made a material error in following its complaint procedure * The outcome was unreasonable in light of the evidence available * New material evidence has come to light which you were unable, for valid reasons, to provide earlier in the process. |

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| **Comments** |
| Explain briefly why you have ticked the box(es) above. If you have any new material evidence, please refer to this and attach a copy when you submit this form. |

**Confidentiality and Disclosure:**

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