

Apprentice and Employer Complaints Policy

Policy Code:	VO12
Policy Start Date:	March 2021
Policy Review Date:	March 2024

Please read this policy in conjunction with the policies listed below:

- HR6 Data Protection Policy
- HR33 Records Management Policy
- HR36 Complaints Policy
- SW9 Parental Communication and Complaints Policy

1 Policy Statement

- 1.1 This policy outlines the procedure to be followed by apprentices and employers, undertaking the apprenticeship programme, who have a complaint concerning Priory Apprenticeships.
- 1.2 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships, Lincolnshire Teaching School Alliance and Lincolnshire Teaching School Alliance SCITT.
- 1.3 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.
- 1.4 The Trust is committed to leading a healthy organisation, which includes a commitment to and promotion of emotional wellbeing and mental health. Therefore, all Trust policies and procedures ensure this commitment is incorporated in order to support all staff and students. Members of staff are encouraged to speak to their line managers, and students are encouraged to speak to any member of staff, if they feel any part of this policy would affect their emotional wellbeing and mental health. Any such comments should be passed to the Trust's HR department (via FederationHR@prioryacademies.co.uk) for appropriate consideration at the next available point in the policy review cycle.

2 Roles, Responsibilities and Implementation

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Human Resources Director.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all employee are responsible for supporting colleagues and ensuring its success.

3 Aims

- 3.1 This policy aims to provide a process to resolve individual complaints in a manner that is as fair and expeditious as possible. It is the Trust's objective to find a solution to individual complaints as early in the procedure as possible.

3.2 Priory Apprenticeships aims to handle complaints in a manner which:

- encourages informal conciliation nearest to the source of the complaint;
- is efficient and fair;
- treats complaints with appropriate seriousness, sympathy and confidentiality;
- facilitates early resolution; and
- where relevant, ensures that Priory Apprenticeships practice improves as a result.

4 Communication

4.1 Priory Apprenticeships operates an 'open door' policy; the team is open to apprentices and employers at all reasonable times to discuss any queries or concerns they may have. Where good, clear systems of communication exist individuals are able to raise their questions and concerns and resolve them as part of a positive working relationship.

4.2 In all cases of communication from apprentices or employers, an appropriate member of staff should respond at the earliest opportunity (within working time), even if such a response instigates a 'neutral' situation where further detail is being sought to answer the complainant's request in full at a later point.

5 The Complaints Procedure

5.1 The Trust hopes that through working together and effective communication, any problems that apprentices or employers might have can be resolved at an early stage and prevent the need for a complaint. However, in the event that apprentices or employers feel that communication with the academy has not resolved the issue, then they should follow the steps outlined in this policy.

5.2 The definition of a complaint is as follows:

"....an expression of dissatisfaction made either orally or in writing and formally received by Priory Apprenticeships about the standard of service, actions or lack of action by Priory Apprenticeships or staff affecting an individual or group".

5.3 Priory Apprenticeships is committed to delivering a high-quality service and takes feedback from both students and employers very seriously. It is the aim of Priory Apprenticeships to settle complaints promptly, fairly and courteously in the best interest of all parties, and to address areas where improvement is needed. Priory Apprenticeships is keen to ensure that the interests and well-being of all those associated with a complaint are properly safeguarded.

5.4 The Trust hopes that the adoption of a clear procedure will help to ensure that most complaints are resolved quickly and smoothly and as close to the source of the misunderstanding or problem as possible. In this way, complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved. The Trust also hopes that a staged framework might prevent an early and unnecessary escalation of the problem. In addition, the Trust will ensure that lessons learned from the investigation of complaints will prove useful to improve policy and practice.

6 Dealing with a Complaint

6.1 In the first instances, complaints received by Priory Apprenticeships will be dealt with informally by the Head of Training or their representative (Stage 1); if the complaint is not resolved then it will be dealt with formally (Stage 2); and then referred to the Complaints Committee (Stage 3) if the complainant remains dissatisfied.

7 Complaints dealt with informally by the Head of Training or their Representative (Stage 1)

7.1 Should employers or apprentices consider that a concern raised has not been resolved, they may pursue the issue by means of a written letter of complaint addressed to the Head of Training. This is designed to provide a fair, equitable and consistent arrangement for the investigation of any complaint.

7.2 If the complaint concerns the Head of Training, the complaint should be addressed to the Human Resources Director.

7.3 In order to best deal with any complaints, they should be raised within three months of the issue to which they relate. The Trust may still consider complaints made out of this timeframe, but a resolution may be more difficult to achieve and the Trust may decline to consider the complaint due to it being 'out of time'.

7.4 The Head of Training or appropriate person will attempt to deal with any complaint as quickly as possible. They will acknowledge a complaint either in writing or orally within 48 hours and will respond to a complaint within five working days. If it is not possible to meet these deadlines, then the complainant will be informed when they will receive a response.

7.5 Depending on the nature of the complaint, the Head of Training may arrange a meeting with the complainant.

-
- 7.6 If a complainant remains unsatisfied with the resolution offered, or the Trust considers that a more in-depth investigation is required, the Trust will move on to Stage 2 of this procedure.
- 7.7 If the complaint cannot be resolved immediately informally, then it may be necessary to apply Stages 2 and 3 of this procedure.
- 7.8 The Head of Training will be made aware of any complaint that cannot be immediately resolved. Any oral complaint will be summarised in writing by the member of staff who receives it and will include the name and address of the complainant.
- 8 Complaints dealt with formally by the Head of Training or their Representative (Stage 2)**
- 8.1 The written complaint or written summary of the complaint will be promptly referred to the Head of Training or appropriate person.
- 8.2 The Head of Training, or appropriate person, will decide whether to delegate the investigation of the complaint to another member of staff or whether to undertake the investigation themselves.
- 8.3 In exceptional circumstances, such as an incident that could have resulted or has resulted in personal injury, the Head of Training must be informed immediately and may consider referring the matter for investigation direct to representatives of the Complaints Committee (Stage 3). In cases of a serious complaint against the Head of Training, it may be appropriate for the Chair of the Complaints Committee to seek further guidance from the Director of Student Welfare and the Human Resources Director.
- 8.4 Another body may be commissioned to offer assistance to find a resolution to the complaint where required. This could include the provision of a mediation service, including facilitating meetings between the complainant and member(s) of staff.
- 8.5 The person investigating the complaint will ensure that a written acknowledgement is provided to the complainant within five working days of Stage 2 commencing. The acknowledgement will give a brief explanation of the Complaints Procedure and will give a target date for providing a response to the complainant, which should normally be within 10 working days. If this target cannot be met, a letter will be sent within 10 working days explaining the reason for the delay and providing a revised target date.

-
- 8.6 The person investigating the complaint will seek to speak or meet with all appropriate people in order to establish all facts relating to the complaint. This includes the complainant, staff and any other person.
- 8.7 Once all the relevant facts have been established, the person investigating the complaint will produce a written response to the complaint, or may wish to meet the complainant to discuss/resolve the matter directly.
- 8.8 A written response will contain an outline of the complaint and a summary of the response to the complaint, including the decision reached and the reasons for it. Where appropriate, this will also include what action will take to resolve the complaint. This letter or report must be endorsed by the Head of Training, and a copy shown to the Director of Student Welfare and Human Resources Director. If Stage 2 highlights any recommendations of changes in working practice the complainant must allow 60 working days for these recommendations to be embedded fully.
- 8.9 The outcome letter will also inform the complainant that, if they are not satisfied by the results of Stage 2, then the complainant can request to move to Stage 3 of this procedure. Should this be the case, the complainant must send a written request stating this to the Head of Training, within 10 working days of receiving the response, or if Stage 2 highlighted any recommendations of changes to working practices, within 70 working days of receiving the response.
- 8.10 If no further communication is received from the complainant within 10 working days (or 70 working days where necessary), it will be assumed that the complaint has been satisfactorily resolved.

9 Complaints Referred to the Complaints Committee (Stage 3)

- 9.1 Upon receipt of a written request from the complainant for the complaint to proceed to Stage 3, it will first be ascertained whether Stages 1 and 2 have been followed. If not, the appropriate Stage will be commenced. If Stages 1 and 2 have been observed, the procedures outlined below will be followed.
- 9.2 The Clerk to the Complaints Committee will write to the complainant to acknowledge receipt of the written request for the complaint to be heard by representatives of the Complaints Committee (CC). The acknowledgement must be sent within five working days and should also inform the complainant that the complaint is to be heard by the CC within 20 working days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received within five working days of the date of the hearing to allow adequate time for the documents to be circulated.

-
- 9.3 The Clerk to the Complaints Committee will request that the Chair convene the hearing. The panel must consist of at least three people. No member of the panel should have had any prior involvement in the complaint.
- 9.4 The Panel should include the Chair of the Priory Apprenticeships Governance Board. It is not appropriate for the Head of Training to have a place on this panel. The composition of the CC should, as far as possible, be sensitive to issues of race, gender and religious affiliation.
- 9.5 The Chair will ensure that the complaint is heard by the panel within 20 working days of receiving the request for a stage 3 hearing. All relevant correspondence regarding the complaint will be distributed to each panel member as soon as the composition of the panel is confirmed.
- 9.6 The Chair will write and inform the complainant, Head of Training, any relevant witnesses and members of the Panel, at least five working days in advance, of the date, time and place of the meeting. The notification to the complainant will also inform them of the right to be accompanied to the meeting by a friend. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the panel.
- 9.7 The Chair of the CC will invite the Head of Training to speak to the panel and/or prepare a written report for the panel in response to the complaint. If the Head of Training prepares a written report, a copy of this report will be sent to the complainant at least five working days before the date of the meeting. The Head of Training may also invite members of staff directly involved in matters raised by the complainant, to respond in writing or in person to the complaint. Any relevant documents relating to the complaint should be received at least five working days prior to the hearing.
- 9.8 The involvement of staff, from establishments other than Priory Apprenticeships, is subject to the discretion of the Chair of the Panel.
- 9.9 It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted.

10 Hearing the Complaint at the Meeting

- 10.1 The aim of the meeting should be to resolve the complaint and achieve reconciliation between Priory Apprenticeships and the complainant.
- 10.2 The panel should remember that many individuals are not used to dealing with groups of people in formal situations and may feel inhibited when speaking to the panel. It is therefore recommended that the Chair of the Panel ensures that the proceedings are as informal as possible.

10.3 In the interests of natural justice, the introduction of previously undisclosed evidence or witnesses would be a reason to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

10.4 The procedure recommended for the meeting is as follows:

- (i) The Chair of the Panel will welcome the complainant, introduce the panel members and explain the procedure.
- (ii) The Chair of the Panel will invite the complainant, or person accompanying the complainant, to explain the complaint.
- (iii) The Panel may question the complainant about the complaint and the reasons why it has been made.
- (iv) The Head of Training will be invited by the Chair of the Panel to question the complainant about the complaint and why it has been made.
- (v) The Chair of the Panel will invite the Head of Training to make a statement in response to the complaint. At the discretion of the Chair of the Panel, the Head of Training may invite members of staff directly involved in the complaint to supplement their response.
- (vi) The Panel may question the Head of Training and/or members of staff about the response to the complaint.
- (vii) The Chair of the Panel will invite the complainant to question the Head of Training and/or members of staff about the response to the complaint.
- (viii) Any party has the right to call witnesses, subject to the approval of the Panel.
- (ix) The Panel, the Head of Training and the complainant have the right to question any such witnesses.
- (x) The Head of Training will be invited by the Chair of the Panel to make a final statement.
- (xi) The complainant will be invited by the Chair of the Panel to make a final statement.
- (xii) The Chair of the Panel will explain to the complainant and the Head of Training that the decision of the Panel will now be considered and a written decision will be sent to both parties within 15 working days. The Chair of

the Panel will then ask all parties to leave, except for members of the Panel and their Clerk. .

- (xiii) The Panel will then consider the complaint and all the evidence presented and:
- a) Reach a decision on the complaint and the reasons for it;
 - b) Decide upon the appropriate action to be taken to resolve the complaint;
 - c) Where appropriate, suggest recommended changes to systems or procedures to ensure complaints of a similar nature are not repeated.

10.5 The minutes of the meeting will be recorded and kept on file.

10.6 A written statement outlining the decision of the Panel must be sent to the complainant and Head of Training. The statement sent to the complainant by the Chair of the Panel must explain that the decision of the Panel is final.

10.7 Priory Apprenticeships must ensure a copy of all correspondence and notes are kept on file in their records.

11 Outcomes

11.1 At any of the three stages, any of the below outcomes or findings may be reached as a result of the complaint:

- The complaint requires no further action;
- There is insufficient evidence to either uphold or dismiss the complainant's complaint;
- An acknowledgement that Priory Apprenticeships or the Trust could have handled the situation differently or better;
- An apology;
- An explanation of steps which have been taken to ensure the circumstances which led to the complaint will not happen again;
- An agreement to review the Trust's policies in light of the complaint.

11.2 A written record will be kept of all complaints made, along with the details of whether they were resolved in Stage 1, Stage 2 or Stage 3 of the process, regardless of whether the complaint is upheld.

11.3 The Trust will keep a record of the action taken, as a result of the complaint, regardless of whether the complaint is upheld.

11.4 If the complaint proceeds to Stage 3, once a finding has been reached the following actions will be taken:

- The complainant and, where relevant, the person complained about will receive a copy of the findings and recommendations of the panel, provided

that where any information, if disclosed, is likely to breach the Trust's data protection obligations, those relevant sections of the findings and recommendations may be omitted or redacted.

- The findings and recommendation of the panel will be available at the Priory Apprenticeships' site for the Head of Training' and the Trust's review.

12 Education and Skills Funding Agency (ESFA)

- 12.1 If after exhausting this process the complainant is still not satisfied, they can escalate their complaint to the Complaints Adjudicator at the Education and Skills Funding Agency (ESFA).

Email: nationalhelpdesk@apprenticeships.gov.uk

Phone: 0800 015 0400 or 0247 682 6482

Please note that the ESFA will not usually investigate complaints more than 12 months after the original decision or action has been taken.

13 Policy Change

- 13.1 This policy may only be amended or withdrawn by the Priory Federation of Academies Trust.



The Priory Federation of Academies Apprentice and Employer Complaints Policy

This Policy has been approved by the Pay, Performance and HR Committee:

Chair of the Committee

Signed..... Name..... Date:.....

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed.....Name..... Date:.....

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.