

Complaints Procedure for Employers (Apprenticeships)

1. Introduction

- 1.1 The University is committed to providing the highest standards to its provision for its apprentices and their employers. However, it recognises that there may be times when an employer wishes to complain about a service or event which it feels is contrary to its contractual agreement with, or expectations of, the University.
- 1.2 It is important to the University that complaints are raised at the earliest possible opportunity so that we can address any concerns and put things right, where appropriate and as soon as we are able to.
- 1.3 Where a concern regarding Brunel University London provision arises, the University will ensure that any concerns are dealt with fairly and transparently in a way that respects the rights of all individuals involved.
- 1.4 Throughout this complaints procedure the University will remain mindful of its duty of care and obligations under the Equality Act 2010 and where appropriate will make reasonable adjustments to this procedure to support complainants.

2. General Considerations

- 2.1 Employers are normally expected to pursue their own complaint.
- 2.2 **Early Resolution** – All parties are expected to make reasonable effort to resolve matters informally as early as possible at Stage 1 of the Complaints Procedure
- 2.3 **Anonymous Complaints** – Complaints which are submitted anonymously will not normally be considered because they may impede the investigation and communication of the outcome.
- 2.4 **Confidentiality** - By raising a complaint, an employer gives the University permission to inform other relevant members of staff/organisations of its complaint, to investigate the facts and to discuss them with appropriate people. Information submitted will remain confidential as far as this is consistent with other parties' right to know of any allegations and evidence against them. It might also be necessary to provide the complaint to, and request information from, relevant departments in order to investigate the issues in the complaint. If an employer makes allegations against staff they will normally be asked to respond to them. If an employer is unhappy with such disclosures, they should state this clearly in their submission and we will advise as to the extent to which we are able to process the complaint.
- 2.5 **Disclosure** – The University operates a disclosure policy, which means that the complainant will normally be provided with a copy of the information considered in deciding the outcome of the Stage 2 complaint. The documents provided to employers may have information deleted to protect the privacy and confidentiality rights of third parties.

- 2.6 **Legal Proceedings** - The University does not encourage employers to seek legal representation to bring a complaint under this Procedure because it is not a legal process. In addition, lawyers are expensive and may form a barrier to open dialogue and resolution. The University will normally seek a stay of legal proceedings if the internal processes have not been exhausted. If legal action is pending, the University reserves the right to suspend any internal investigations until such a time as the legal action is resolved.
- 2.7 **Recordings**– No party, or their representative is permitted to make a recording on any recording device of discussions held under this Procedure, whether at a meeting or by telephone or otherwise unless with the express permission of all parties to the discussions. Any participant is free to take informal written notes.
- 2.8 **Disciplinary Action** – Complaints may lead to disciplinary action being taken against members of staff or students. Complainants are advised that, where misconduct action is taken in connection with a complaint, the complaint may be used as evidence and the complainant may be asked to give evidence either in writing or in person. Due to confidentiality and data protection it may not be possible for the Complainant to be informed of the outcome of any misconduct action which is taken.
- 2.9 **Nominees under this procedure** – Where particular reference is made to an Officer of the University, such references are to be read as including a reference to his/her nominee.
- 2.10 **Variations to this Procedure** – where it is appropriate to do so, the procedures set out in this Procedure may be varied by the University.

3. Stage 1

- 3.1 Concerns should be raised as soon as possible after the incident being complained about. **Ideally, concerns should be raised at Stage 1 within 3 months of the incident.** The submission of any complaint later than this may affect our ability to effectively consider the concerns raised.
- 3.2 Stage 1 is designed to address straightforward concerns locally and as swiftly as possible. This will normally take the form of a face to face discussion, either in person, or by electronic meeting, with the Programme Lead, or with the Head of the Department where the complaint has arisen. **If the concern is not satisfactorily resolved through these discussions, employers should submit a Stage 2 complaint within three months of the incident causing the concern for the reasons explained above.**
- 3.3 Where proportionate to do so, employers will be provided with a written outcome at the end of Stage 1. Where appropriate, the response may be shared with the relevant stakeholders.

4. Stage 2

- 4.1 If an employer is unable to resolve their complaint informally, or they are dissatisfied with the response, they should raise the matter in writing via email to the Head of Apprenticeships (apprenticeships@brunel.ac.uk). The email should clearly set out the details of the complaint in full, along with any evidence; the outcome of the Stage 1 discussion, and the remedy being sought.
- 4.2 A Stage 2 complaint, along with any supporting evidence should normally be submitted within 3 months of the incident being complained about.
- 4.3 The Head of Apprenticeships will handle the Complaint. In the first instance they will consider whether:
- The concern raised is something the University can consider under this procedure;
 - The concern has been raised within an appropriate timeframe;
 - The concern should be raised under another procedure.

The Head of Apprenticeships will also consider whether the issues were considered at Stage 1 of the Procedure. In these cases, the Head of Apprenticeships may suggest the complaint is referred either to Stage 1

- 4.4 If the Head of Apprenticeships considers that the Stage 2 complaint has been submitted out of time, without good reason, he/she will explain their decisions in response to the concerns raised.
- 4.5 The Head of Apprenticeships may arrange to meet with the employer to discuss the Complaint. The Head of Apprenticeships may consider it appropriate to invite another member of staff of this meeting and will notify the employer of this decision in good time. Similarly, the employer should advise the Head of Apprenticeships of any other participants they wish to attend the meeting.
- 4.6 The Head of Apprenticeships will complete his/her investigation of the Stage 2 complaint as promptly as possible and will normally provide a formal outcome to the concerns raised within 40 days. In the event there are delays, the Head of Apprenticeships will keep the employer informed of the progress of the investigation, along with a revised dates for a formal written response.
- 4.7 The formal written response will give reasons for the decision made and details how to progress the complaint should the employer remain dissatisfied.

5. Stage 3

- 5.1 An employer who is dissatisfied with the outcome of their concern following Stage 2 of the process may request a review by the Chief Business Innovation Officer. A review will be considered only on following grounds:
- There has been a material procedural irregularity which has demonstrably affected the outcome of Stage 2;
 - The outcome at Stage 2 is unreasonable given the facts of the case;

- There is material new evidence which for good reason could not be presented at the submission of the Stage 2 complaint and which would have significantly affected the outcome of the Stage 2 complaint.

5.2 The Chief Business Innovation Officer will not re-investigate the Complaint but 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 consideration, and further investigation make take place with respect to this evidence where necessary.

5.3 A written response will be issued by the Chief Business Innovation Officer within 21 days of receipt of the Stage 3 complaint. In the event that further investigation, or other delays occur, the employer will be kept informed of progress and a revised response date will be provided.

5.4 This marks the end of the University's internal procedures.

6. External Procedures

8.1 If an employer remains dissatisfied following completion of the University's procedures they have the right to raise their concern with the Education & Skills Funding Agency (ESFA). Complaints to the ESFA should be submitted within 12 months of the Stage 3 outcome letter issued by the University. For further details please see <https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>