

EMPLOYER COMPLAINTS PROCESS FOR APPRENTICESHIPS

1.0 PURPOSE

Durham University is committed to providing high quality education and services, and employers of professional apprentices play a vital role in enabling us to deliver outstanding apprenticeships. However, we recognise that there may be occasions where the level of service provided falls short of the standard that might reasonably be expected, and that this in turn may lead to an employer being dissatisfied. Complaints are rare however it is important that the University has a robust process in place which ensure that they are given full and fair consideration, and wherever possible resolved to full satisfaction of all parties.

2.0 SCOPE

This procedure applies to complaints to the University raised by the employer of an apprentice. It explicitly does not apply to complaints made by students or apprentices of the University who have their own processes for making [complaints](#) (about services and/or behaviours), or for [appealing an academic decision](#) (e.g. about marking or an academic award). The University reserves the right to refer complaints to appropriate alternative processes where these exist.

For the purposes of this procedure, a complaint is defined as:

“an expression of dissatisfaction by one or more individuals about the standard of service, action or lack of action by or on behalf of the Institution.

A complaint may relate to: the quality and standard of service, failure to provide a service, the quality of facilities or learning resources, treatment by or attitude of a staff member, student or contractor, inappropriate behaviour by a staff member, student or contractor, the failure of the Institution to follow an appropriate administrative process, dissatisfaction with the Institution’s policy, although it is recognised that policy is set at the discretion of the Institution.”¹

The University will normally only investigate complaints relating to activities within the last six months unless extended at the sole discretion of the University.

3.0 PROCEDURE

The University operates a two stage complaints resolution process. Stages run consecutively except in cases where the severity of the complaint warrants immediate escalation to Stage Two. The points below summarise who should be contacted, what information needs to be provided and the timescales.

3.1 Stage One: Informal Resolution

Most complaints are straightforward and can be resolved amicably and to the full satisfaction of those involved if they are raised at an early stage.

Potential complainants should engage directly with the University individual(s) involved or with the appropriate University department, college or service or via the central Apprenticeships Unit apprenticeships@durham.ac.uk. The complainant should provide details of the issue: context, times / dates and persons involved. In most cases a conversation with the University representative will be the best way to explore the content of the issue; written correspondence is also acceptable, but the response process may be slower.

The University has a responsibility to safeguard individuals in its care and to ensure that personal information is protected in compliance with the Data Protection Act. Staff may therefore be unable to discuss details relating to specific individuals with complainants. The majority of cases can be resolved by an explanation, apology or immediate remedial action. The University aims for a ten working day turnaround from the date of the complaint being raised. If it is not possible to respond within this timescale, the employer should be provided with an expected date of response. The details of the complaint, the outcome and action taken may be recorded and used for service improvement. If a complaint cannot be resolved at this stage it is escalated to Stage Two: Formal Investigation.

3.2 Stage Two: Formal Investigation

Stage Two is used for:

- complaints which cannot be resolved informally at Stage One
- those complaints deemed by the University to be serious, complex and high-risk complaints i.e. relating to illegal or illicit activities, safety / wellbeing, which have significant financial or reputational ramifications, or which involve staff at Head of Department level or above (these skip stage one)

Complaints should be submitted in writing using the form in **Appendix 2**. The complainant completing the form should provide details relevant to the complaint. In order for investigations to be thorough and for outcomes to be communicated, the University will ordinarily expect complainants to identify themselves. The University will, exceptionally, consider anonymous complaints, however, given the need to gather further information and to be able to respond, these will generally only be considered where they are deemed by the University to be serious or high risk.

The University will investigate and respond according to the indicative timescales outlined in the process diagram in **Appendix 1**. Complainants will receive notification in writing of the University's decision and the underpinning rationale, as well as any right to appeal.

Full investigations will normally be led by the Head of Department, College or Service (with input from other services as needed); complaints deemed to be high risk or relating to staff at a Head of Department (or above) level will normally be handled by the Apprenticeships Unit or escalated to an appropriate senior representative in the Education Division or a member of the University Executive. The investigator should normally have had no prior involvement in the complaint. There may be circumstances where the complaint is more properly handled via other investigative processes e.g. an academic appeal. In these cases the University reserves the right to use the appropriate process. It will continue to keep the complainant updated as to progress / outcome.

Information provided to complainants will be in compliance with the University's data protection responsibilities; where information about an outcome involves personal data about a member of the University community, it may not be possible to provide a complainant with full details.

3.3 Appeals

3.3.1 University

Complainants who are dissatisfied with the University's response to a Stage Two complaint may make an appeal asking the University to review its decision internally by writing to:

Apprenticeship Appeals
Apprenticeship Unit
Palatine Centre Stockton
Road Durham
DH1 3LE
Email apprenticeships@durham.ac.uk

The complainant should state the grounds on which they wish to appeal the decision and enclose any other information that may be useful in considering the matter further.

Appeals will normally only be permitted where additional, materially relevant information is supplied that was not available when the complaint was made. Where an appeal is granted, it will normally be considered by a senior member of the University who has had no prior involvement in the formal investigation.

3.3.2 ESFA

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

Email: complaints.esfa@education.gov.uk

Address:

Customer Service Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road Coventry
CV1 2WT

Please note that the ESFA will not usually investigate complaints more than 12 months after the original decision or action has been taken. Further information and guidance on the ESFA complaints process can be found online: <https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

4.0 ROLES AND RESPONSIBILITIES

4.1 Complainant

The complainant is responsible for:

- providing full, clear and accurate information about the issue, and engaging with the University to find an effective resolution.
- behaving in a reasonable manner. Unreasonable behaviour includes making vexatious complaints, harassing or otherwise behaving inappropriately towards staff, failing to cooperate with the investigation, making unreasonable levels of contact or being unreasonably persistent. Unreasonable behaviour may lead to the complaint investigation being suspended or terminated.

4.2 The University

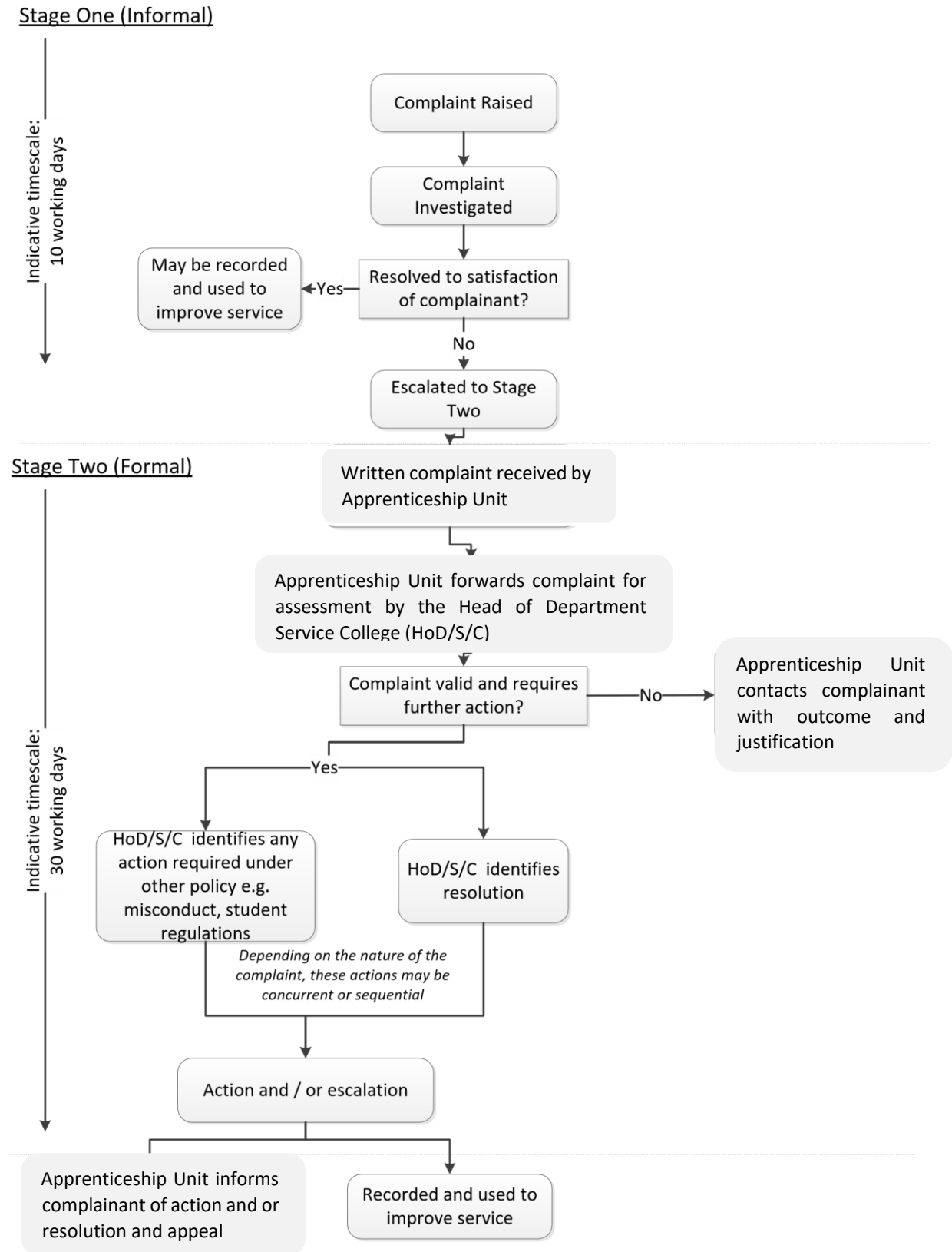
The University is responsible for:

- investigating the complaint/appeal in a comprehensive and open minded manner;
- treating all those involved in the investigation (including complainant and respondent) fairly;
- ensuring that any personal information (relating to complainant or respondent) is handled appropriately;
- keeping all those involved appropriately apprised of the investigations progress and outcome;
- proactively using the upheld complaints to improve its working practices; and
- acting on any areas of gross misconduct through its internal policies and processes.

5.0 COMPLIANCE

The University monitors the numbers and outcomes of complaints sent to it; key information is then sent to relevant committees and University management to enable them to improve working and service practices and identify trends and areas for improvement.

APPENDIX ONE: COMPLAINTS PROCEDURE



APPENDIX TWO

Stage Two: Complaints Form

(Online Version available at <https://www.durham.ac.uk/research/helping-business/develop-your-people/degree-apprenticeships/>)

Please email any queries to apprenticeships@durham.ac.uk

1.0 PERSONAL DETAILS

Please be aware the University may contact you for additional information

| | |
|------------------|--|
| First Name | |
| Surname | |
| Address | |
| Email | |
| Telephone Number | |

2.0 COMPLAINT DETAILS

| | |
|--|--|
| Nature of Complaint <ul style="list-style-type: none">• <i>the quality and standard of service</i>• <i>failure to provide a service</i>• <i>the quality of facilities or learning resources</i>• <i>treatment by or attitude of a staff member, student or contractor</i>• <i>inappropriate behaviour by a staff member, student or contractor</i>• <i>the failure of the Institution to follow an appropriate administrative process</i>• <i>dissatisfaction with the Institution's policy, although it is recognised that policy is set at the discretion of the Institution.</i> other (please specify) | |
| Date occurred (either single or range) | |
| University member or department involved | |
| Please include a summary of your complaint, including details of the issue or any incidents (500 words maximum) | |
| Please identify any actions you have taken to resolve the complaint to date. If none, please specify why? (200 words). | |
| What would the ideal resolution to the complaint be? (200 words) | |