



## Apprentice Complaints Policy and Procedure

Owner:	University Secretary
Reviewed by:	Head of Strategic Partnerships & Employer-led Education
Approved by:	Pending approval by the Apprenticeships Board
Review due date:	2024
Update history:	New
Document Type:	Policy and Procedure
Classification:	Public

To discuss receiving the document in an alternative format, please contact the Student Casework Team [StudentCasework@roehampton.ac.uk](mailto:StudentCasework@roehampton.ac.uk)

# University of Roehampton

## Apprentice Complaints Policy and Procedure

### 1. Preamble

- 1.1 The University seeks to provide an apprenticeship experience that enriches the lives of all apprentices, fosters a culture of partnership and support with each apprentice and their employers and takes action to include apprentice and employer voice in everything that we do. It recognises however 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 apprentice or group of apprentices being dissatisfied.
- 1.2 In circumstances where the level of service falls below the standard that might reasonably be expected, apprentices are entitled to make their concerns known and, if this does not resolve the matter, pursue a formal complaint. Apprentices are also a student at the University and the Student Charter expresses that the University should take clear and appropriate action when things go wrong. This policy and procedure sets out the responsibilities of both apprentice and the University where an apprentice or group of apprentices wishes to pursue a complaint.
- 1.3 Apprentices are reminded that advice on this policy can be sought from the designated academic advisor within Roehampton Students' Union (who are independent to the University) and thereafter from the Apprenticeships Hub and the Student Casework Team. This is alongside the more general support available from the Wellbeing Team, the University Chaplaincy, College Life Development Officers and Academic Guidance Tutors.
- 1.4 Apprentices and their employers can contact the apprenticeship helpline regarding apprenticeship concerns, complaints, and enquiries. The ESFA Guide to making a complaint can be found on GOV.UK:  
  
<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa>  
  
Contact 08000 150400 or email [nationalhelpdesk@apprenticeships.gov.uk](mailto:nationalhelpdesk@apprenticeships.gov.uk)
- 1.5 Employers should use the University's Employer Complaints Policy which can be found [HERE](#)
- 1.6 It is important to note that apprentices are entitled to express concerns and bring complaints without fear of reprisal or victimisation and the University will deal with complaints fairly, seriously and, where appropriate, in confidence. The University will not normally accept anonymous complaints as this will impact on its ability to conduct a fair and thorough investigation. Where a complainant wishes to remain anonymous, the University may take action in respect of the matters raised, but this will not normally be considered a complaint under this policy and procedure.

- 1.7 No apprentice will be prejudiced as a result of submitting a genuine complaint. Where there is evidence that a complaint is frivolous or vexatious in nature, the University reserves the right to refuse to hear the complaint
- 1.8 If a group of apprentices wish to make a complaint, the University will ask one apprentice to be the nominated point of contact and will require written authorisation from all apprentices in the group to this effect. The function of the one apprentice will be to act as a conduit for written information to be passed to and from the University to the larger group of apprentices. In these circumstances, the University will contact all apprentices making the complaint to advise that all communication should be in writing and routed through this one apprentice.
- 1.9 The University reserves the right to vary the complaints procedure in the interests of fairness, where it is necessary to do so on the grounds of health and safety or where it needs to make reasonable adjustments under relevant equality legislation.
- 1.10 All complaints about an apprenticeship programme are logged and monitored to completion by the Apprenticeship Hub and the Student Casework Team and considered as part of the quality improvement processes for the apprenticeship programme.
- 1.11 The UK Quality Code for Higher Education has listed as a core practice that all institutions should have fair and transparent procedures for handling complaints and appeals which are accessible to all. In addition, institutions should be in a position to learn from the outcomes of concerns, complaints and appeals to improve the overall apprentice experience. In pursuit of this objective, the University Secretariat will provide an annual report to Senate and Council concerning the operation of this policy and any recommendations for future enhancements.

## **2. Scope and Definitions**

- 2.1 For the purpose of this policy, whilst adhering to the ESFA Funding Rules the University has adopted the same definition of a complaint as provided by the Office of the Independent Adjudicator in respect of all students attending a university course. This is set out in *the good practice framework: handling student complaints and academic appeals (2016)*, specifically:

*“An expression of dissatisfaction by one or more student about a provider’s action or lack of action, or about the standard of service provided by or on behalf of the provider.”*

As such, examples of complaints which would fall within the parameters of this policy include, among others:

- 2.1.1 Failure by the University to meet its obligations including those outlined in the employer contract for services, Commitment Statement, other apprenticeship programme documentation, or the Student Contract;

- 2.1.2 Misleading or incorrect information in prospectuses or promotional material or other information provided by the University;
  - 2.1.3 Concerns about the delivery of a programme, including teaching, administration, or supervision, including that provided by a partner institution where the complainant has already exhausted the partner institution's internal procedures;
  - 2.1.4 Poor quality of facilities, learning resources or services provided by the University;
  - 2.1.5 Complaints involving other organisations or contractors providing a service on behalf of the University where it has been agreed that the University is the appropriate channel for complaint.
- 2.2 It may be more appropriate to deal with some issues with alternative University policies or procedures including the following:
- 2.2.1 [Academic Appeals Procedure](#)
  - 2.2.2 [Student Disciplinary Regulations](#) (as applying to apprentices)
  - 2.2.3 [Fitness to Practise Policy and Procedure](#)
  - 2.2.4 [Fitness to Study Policy and Procedure](#)
- 2.3 Where a complaint is submitted that would be more appropriately considered under another policy or procedure, the apprentice will be advised accordingly by the Student Casework Team. Where an apprentice is unclear about the appropriate policy or procedure to use, they can contact the Apprenticeships Hub or the Student Casework Team for advice.
- 2.4 Where an alternative policy (such as a Human Resources policy) is determined to be the appropriate mechanism to investigate the matter, the apprentice(s) raising the complaint shall normally be advised by the Student Casework Team of the outcome of the investigation insofar as it pertains to the complaint raised and where data protection and confidentiality considerations allow.
- 2.5 For formal complaints at Stages 2 and 3 of the procedure, the Student Casework Team will be responsible for keeping all parties to a complaint updated on its progress, paying due regard to data protection and confidentiality.
- 2.6 Apprentices are reminded there is no ground for complaint or appeal on a matter of 'academic judgment'. The Office of the Independent Adjudicator states that academic judgment is not any judgment made by an academic, but a judgment that is made about a matter where only the opinion of an academic expert will suffice. Examples of matters of academic judgment include judgments about assessment, overall degree classification, professional suitability, research methodology and the learning outcomes of a particular course and how to teach these.
- 2.7 Where the apprentice complaint relates to the arrangements about their apprenticeship at work, they must follow their employer's complaint procedure.

- 2.8 Where the apprentice complaint relates to any aspect of their End-point Assessment, they must follow the complaints procedures set out by their End Point Assessment Organisation.
- 2.9 Complaints about the admissions process will be considered under Stages 2 and 3 of the Complaints Procedure. The University will not issue a Completion of Procedure Letter in respect of complaints submitted about the admissions process, because such complaints are generally not eligible for consideration by the Office for the Independent Adjudicator.
- 2.10 Apprentices must be made aware that they can contact the ESFA about any aspect of their apprenticeship.

<https://www.gov.uk/government/publications/complaints-about-post-16-education-and-training-provision-funded-by-esfa>

Contact 08000 150400 or email [nationalhelpdesk@apprenticeships.gov.uk](mailto:nationalhelpdesk@apprenticeships.gov.uk)

### **3. Stage 1 – Early Resolution**

- 3.1 Apprentices are encouraged to make use of the local channels that exist for raising concerns, including through Student Representatives, as part of the Programme Board, or in discussions with an Academic Guidance Tutor. It is also recognised that an apprentice may raise a concern with any member of the University. If the member of staff in question is not the appropriate person to consider the concern, they should refer the apprentice to the appropriate member of staff. Roehampton Students' Union can advise apprentices on the appropriate members of staff with whom concerns can be raised.
- 3.2 Apprentices are also reminded about other policies which may be of greater relevance in their circumstances, including the [Dignity and Respect Policy](#), [Equality and Diversity Policy](#) and [Sexual Violence Policy, safeguarding, Prevent](#) and the avenues that exist within these policies for progressing with concerns.
- 3.3 Where the local channels of seeking to resolve a concern informally do not sufficiently respond to the concern, apprentices should first complain informally their Academic Guidance Tutor or to the member of staff most closely aligned to the root of the concern to seek an early resolution. This may be a tutor, a Supervisor, or the Apprenticeship Hub. It is expected that most concerns can be resolved relatively easily and informally at an early stage and the University encourages all parties to seek to reach a mutually agreeable outcome at this informal stage.
- 3.4 Concerns should be raised as soon as possible after the incident being complained about arises. Informal concerns which are raised three months after the incident occurred will normally be deemed to be out of time and will not be considered unless the apprentice provides a good reason, supported by evidence, for the delay. The University will determine what constitutes a good reason for the purposes of this paragraph.

- 3.5 It is recognised that on occasion exceptional circumstances may exist meaning that an apprentice feels unable to contact the most relevant member of staff about their concern. In these circumstances, apprentices are encouraged to contact other members of staff within the same department (for instance the Apprenticeship Lead or another manager). Where possible, it is incumbent upon that member of staff to seek to resolve the concern informally with the apprentice.
- 3.6 If the concern is not satisfactorily resolved through these discussions, and to continue with this Procedure, apprentices should submit a formal Stage 2 Complaint to the Student Casework Team.

#### **4. Stage 2 – Formal Stage Complaint**

- 4.1 An apprentice who wishes to proceed to a Stage 2 Formal Complaint will need to email the Student Casework team ([studentcomplaints@roehampton.ac.uk](mailto:studentcomplaints@roehampton.ac.uk)) with details of their complaint and how they have sought to resolve the complaint through the Informal Stage 1 route. The formal notification should be received within three months of the incident occurring in order for the matter to be considered. The Apprenticeships Hub will be an apprentice's point of contact throughout this process.
- 4.2 On receipt of the formal complaint, the Student Casework Team will acknowledge receipt within five working days and will advise the apprentice whether the complaint will be considered under this Procedure. In doing so, the Student Casework Team may consider one or more of the following non-exhaustive list of factors:
- 4.2.1 Whether the Formal Stage Complaint is brought within three months of the incident in question and, if not, whether in the view of the University the student(s) has provided a compelling reason, supported by evidence, as to why the complaint should be heard outside of this timeframe;
  - 4.2.2 Whether the student(s) has exhausted informal routes of resolution outlined in Stage 1 - Early Resolution Procedure;
  - 4.2.3 Whether the Apprentice Complaints Policy and Procedure is the most appropriate policy to investigate the matter or whether a more appropriate policy should apply;
  - 4.2.4 Whether there is evidence that the claim is spurious, frivolous, or vexatious in nature.
- 4.3 Following consideration of one or more of the factors identified in section 4.2 the Student Casework Team has the discretion to:
- 4.3.1 Appoint an impartial investigator to investigate the complaint under this Procedure;
  - 4.3.2 Decide that an alternative policy/procedure (such as one where investigation is carried out by Human Resources under their relevant policy) is more appropriate to investigate the matter and refer the matter to the relevant person/department;

- 4.3.3 Refer the apprentice(s) back to Stage 1 of this Procedure to seek an informal resolution and, if necessary, signpost appropriate member(s) of staff for the apprentice to speak to;
  - 4.3.4 Reject the complaint and direct the apprentice(s) to the Stage 3 Review Process;
  - 4.3.5 The apprentice will also be reminded that they may contact the ESFA.
- 4.4 Complaints will not normally be accepted from third parties (such as relatives or solicitors). However, complaints raised by employers on behalf of apprentices will be accepted provided that the employer has the express permission of the apprentice to act on their behalf.
- 4.5 As part of the acknowledgement to the apprentice (as required under section 4.2), the Student Casework Team will need to advise which course of action under section 4.3 will be adopted. Where the decision is to refuse for the complaint to be heard under Paragraph 4.3.4, the apprentice will be given details of the Stage 3 Review Process. At this stage of the procedure, there is no other right to appeal for an apprentice against any of the other outcomes determined by the Student Casework Team.
- 4.6 Where the Student Casework Team determines that the complaint should be investigated under this Procedure, the Student Casework Team shall appoint an investigator. This person will normally be an individual within the institution with sufficient seniority and impartiality to investigate the matter. In exceptional circumstances, it may be necessary to appoint an investigator from outside of the University and this provision provides the Student Casework Team with the ability to do this if this will enable a fair and transparent investigation.
- 4.7 The investigator will be responsible for investigating the complaint including reviewing documents, correspondence and relevant policies and procedures and, where necessary, interviewing individuals who, in the opinion of the investigator, will be able to facilitate the finding of fact. The investigator will be provided with procedural advice and guidance from the Student Casework Team and will produce a report setting out the results of their investigation and a recommendation as to whether or not the complaint should be upheld.
- 4.8 Following receipt of the investigation report, the Student Casework Team will determine whether a remedy is appropriate and, if so, the nature of such a remedy. The Student Casework Team will also determine whether the case should be referred for further consideration, for example, under the staff disciplinary procedures.
- 4.9 The formal written outcome letter along with details of any remedy (if applicable) needs to be provided to the apprentice(s) by the Student Casework Team within 60 days of the date of the letter of acknowledgement. If the investigation cannot be concluded within 60 days, the apprentice will be informed of the progress of the investigation along with a revised date for a formal written response. The formal letter should outline the reasons for the

decision reached along with guidance on how an apprentice can appeal against the decision and the grounds on which they can do so.

- 4.10 A Stage 2 Formal Stage Complaint is concluded when the formal written outcome letter is sent to the apprentice.

## **5. Stage 3 – Review Process**

- 5.1 Apprentices who are dissatisfied with the outcome of Stage 2 may request a review of the outcome on the basis of one or more of the following grounds:
- 5.1.1 There has been a material procedural irregularity or clear breach of due process which has demonstrably affected the outcome of the Stage 2 Complaint;
  - 5.1.2 The outcome at Stage 2 is unreasonable given the facts of the case;
  - 5.1.3 There is material new evidence which the apprentice was unable – for valid and evidenced reasons – to provide when the Stage 2 complaint was made and which would have materially affected the outcome of the Stage 2 complaint.
- 5.2 This review stage will not normally consider issues afresh or involve a new investigation. A complaint must have been considered and concluded at Stage 2 before it can be escalated to Stage 3.
- 5.3 An apprentice who wishes to trigger the Stage 3 Review Process must do so within 14 days of the date of the Stage 2 Formal Written Outcome Letter or relevant decision under paragraph 4.3 by emailing the University Secretary ([studentcomplaints@roehampton.ac.uk](mailto:studentcomplaints@roehampton.ac.uk)). The request for a Stage 3 Review must identify the ground(s) for review (see paragraph 5.1 above) and provide a clear explanation of why the ground for review applies and the evidence in support.
- 5.4 An application under the Stage 3 Review Process will normally be dismissed and not considered if it is not submitted within 14 days. An application for a Stage 3 review submitted outside of this timeframe will only be considered where the apprentice provides a good reason, supported by evidence, for the delay. The University will determine what constitutes a good reason for the purposes of this paragraph.
- 5.5 On receipt of a valid request for review under this Stage, the University Secretary will acknowledge receipt of the review within 5 days and forward the relevant documentation to the Chief Operating Officer who will consider the Review.
- 5.6 The review and notification of the outcome of the review to the apprentice(s) by the University Secretary will normally be completed within 14 days of submission of the Stage 3 complaint.
- 5.7 The review process will determine whether the ground(s) for review have been established and whether any action needs to be taken by the University. The action that could be taken includes:



- 5.7.1 Upholding the Stage 2 decision and maintaining any remedy offered.
  - 5.7.2 Upholding the Stage 2 decision and varying any remedy offered.
  - 5.7.3 Overturning the Stage 2 decision and substituting a new decision and/or remedy.
  - 5.7.4 Overturning the Stage 2 decision and referring the complaint for further investigation, either from the original investigator or otherwise, following which the COO (or nominee) will substitute a new decision and/or remedy.
- 5.8 The formal written response to the apprentice(s) concludes the Stage 3 Review Process and is the final stage of the complaints procedure available within the University. As such, a Completion of Procedures Letter will be issued at this point. The Completion of Procedures Letter will confirm that the University's internal complaints procedure has been exhausted.
- 6. External Review – Office of the Independent Adjudicator for Higher Education**
- 6.1 The University subscribes to the independent scheme for the review of apprentice complaints. If an apprentice is dissatisfied with the outcome of their complaint they may be able to apply for a review of the complaint to the Office of the Independent Adjudicator for Higher Education (OIA), providing the complaint is eligible under its rules. Details about the OIA can be found on their website: <https://www.oiahe.org.uk/> and Roehampton Students' Union are also able to provide advice, if required.
- 6.2 In order to apply to the OIA, an apprentice will require a Completion of Procedures Letter to show that internal complaint procedures have been exhausted. This letter will be automatically provided to apprentices at the conclusion of the Stage 3 Review Process.
- 6.3 Further guidance about submitting a complaint to the OIA is available at their website: <https://www.oiahe.org.uk/apprentices/how-to-complain-to-us/>.