



## **Complaints Policy and Procedure (Apprenticeships)**

MYBE Awards is dedicated to a policy that will ensure that its products and services fully meet the requirements of its service users at all times and if this is not achieved then they have the right to appeal against decisions made.

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## **Purpose Statement**

The aim of this policy is to describe how complaints are processed and how the associated responsibilities are allocated. The purpose of this policy is to ensure that complaints are dealt with in an appropriate manner. The complaints policy and procedure are accessible to all. It is signposted to learners and employers at the commencement of each apprenticeship.

All complaints are handled in a fair, consistent and timely way. This policy allows for all stakeholders and learners to log a formal or informal complaint should they perceive that they have a grievance.

## **Responsibility**

Our Management Team is responsible for this process, ensuring that it complies with ESFA Funding Rules. It is reviewed every three years, or as and when Funding Rules or the Education/Common Inspection Framework (EIF) are revised. The Quality Manager oversees the management of the process and stakeholders involved.

## **Scope**

Provision of apprenticeships is regulated by the ESFA and inspected by Ofsted. Our complaints procedure aligns to the requirements outlined within their applicable funding rules, contract requirements, and inspection frameworks. All apprentices, prospective apprentices, employers, parents (where applicable) and local partners will be made aware of the complaint procedure. The process is embedded into our apprentice induction, within employer contracting and published on our website. All complaints are dealt with appropriate discretion and sensitively.

## **Definition**

A complaint is defined as an oral or written expression of dissatisfaction. The person making the complaint may not necessarily refer to it as being a "complaint", but it will still be treated as such where the above definition applies.

- Complaints concerning assessment practice will be dealt with through our appeals procedure which is aligned to awarding body requirements.
- Complaints from employment partners will be dealt with along alongside contracting terms.

## **Resolving complaints**

Throughout the process it is important to clear up any misunderstandings that might have occurred. Sometimes people's own perceptions of an issue may be inaccurate and by clearing up any misperceptions, it might be possible to create a positive atmosphere in which to discuss any outstanding issues and resolve the complaint at an early stage. At each stage in the procedure, the lead person will want to keep in mind ways in which the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. It would be helpful for the lead person to have some indication from the complainant what their desired outcome for resolution of the issue would be.

In addition, it may be appropriate to offer one or more of the following:

- An apology;
- An explanation;
- An admission that the situation could have been handled differently or better Note: an admission that the situation could have been handled better is not the same as an admission of negligence or guilt;
- An assurance that the event or issue complained of will not recur;
- An explanation of the steps that have been taken to ensure that it will not happen again;
- An undertaking to review Mybe policies in light of the complaint.

## **Complaints Protocols**

Complaints can be raised informally (e.g. in day-to-day conversation with staff), which should be dealt with immediately to prevent any escalation of dissatisfaction. However, where this is not always possible, our escalation process will look to resolve complaints to a satisfactory outcome.

The first point of contact for complaints and disputes will be included in the employer's written agreement and the apprentice's commitment statement. Employers and learners will be encouraged to refer complaints and disputes to the first point of contact, although they have the option to refer complaints to any other member of staff if they should so choose. Complaints can be received in several ways, e.g. face to face, by email, in a formal letter, or by phone. It is therefore important to know the correct way to deal with a complaint to ensure satisfactory resolution.

Learners, prospective learners and employers will also be made aware of the Apprenticeship Helpline service, including the email address and phone number, should they wish to access any independent and impartial advice about apprenticeship entitlements and obligations. Details of the Apprenticeship Helpline will also be included in the employer's written agreement and the apprentice's commitment statement.

Where a complaint is received it should be documented and forwarded by the member of staff who has received the complaint to a member of the Management Team. The complaint is then formally logged and investigated.

Complainants must receive a response within 5 working days outlining suggestions to resolve their complaint. They will receive an acknowledgement within 2 working days of receipt of their complaint and a response within 5 working days outlining suggestions to resolve the complaint. They must be kept informed should their complaint take longer than 5 working days to investigate and respond to.

A manager allocated by the Management Team will investigate the complaint. Where a complaint is made against a specific member of staff the investigating manager will ensure that the complaint is handled in line with our internal HR policies and procedures. Managers cannot investigate complaints where the grievance in question relates to their own conduct. In this instance an alternate manager will lead the investigation.

The investigating manager will seek to establish all pertinent facts regarding the grievance, if need be by reviewing relevant documentation and holding interviews with relevant parties. On completion of the investigation the manager responsible will send a formal response in writing to the complainant. The response will detail the findings from the investigation, and any resolution offered to the complainant, if applicable.

All stages and decisions will be recorded centrally on the complaints log, electronic records will be retained of the complaint investigation. If no further correspondence is received from the complainant within one month of the formal response from the investigating manager, then the complaint will be closed.

## **Appeals**

Every complainant has the right to appeal against a decision made under this procedure, if they are not satisfied with the outcome or the resolution offered. Any appeal should be made within 1 month of the complainant being informed of the initial decision and must be in writing. The complainant may approach any member of staff for help in formulating their appeal. The appeal will then be passed to the Managing Partner to review.

The Managing Partner will review the original complaint and response, conducting a further investigation if necessary, which will be undertaken within 5 working days of the appeal being submitted. The Managing Partner will inform all parties of their appeal decision within 2 working days

of it being reached. If an outcome cannot be reasonably reached within this timescale, then the Apprenticeship Director will notify all parties of the indicative time required to reach a resolution, ensuring that this is achieved at the earliest opportunity.

Where a complaint cannot be resolved through the internal procedure the complainant has the option to escalate their complaint to the ESFA. The ESFA will not normally investigate a complaint until our internal procedure has been exhausted. ESFA complaints team can be contacted by email at [complaints.esfa@education.gov.uk](mailto:complaints.esfa@education.gov.uk) or in writing to Customer Service Team, Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT.

## **Reporting**

Each investigating manager must log the complaint information on our internal Complaints Log. The Quality Manager will produce a report regularly reviewing the number of complaints received, the category/nature of complaints and the resolutions derived which will be provided to the senior management team. The Quality Manager is then responsible for identifying actions and adding them to the Quality Improvement Plan (QIP) to reduce the likelihood of any similar future complaints arising.

## **Confidentiality and Safeguarding**

All complaints will be treated with due sensitivity and confidentiality, without undue fear of reprisal or repercussion. We will work to instil a culture through which learners and employers feel confident to make a complaint where they have any perceived grievance.

The Management Team will give due consideration to any aspects of confidentiality and sensitivity associated with any complaint in determining how any investigation will be conducted, with the wellbeing and safeguarding of learners always being paramount. Where the complaint relates in any way to a safeguarding issue, our Lead Safeguarding Officer will be consulted in terms of the most appropriate way to proceed. Where appropriate / necessary, the complainant's anonymity will be reasonably protected.

Any personal and/or sensitive data which may be requested/obtained in the course of any investigation will be securely stored and processed in strict accordance with the provisions of the General Data Protection Regulation 2016/67. Any data held or processed will only be used for the purpose of dealing with complaints and for monitoring and will be deleted/destroyed once the complaint is resolved. Only staff directly involved with the complaint / investigation / resolution will be given access to such data. Learners and employers may request a copy of our Data Security Policy if they have any questions or reservations about how their data may be handled.

Name: Lee Farrier

Position: Director

Signature:





**To be completed by the Complainant as fully and as accurately as possible**

**What action do you consider would resolve the matter?**

**Please attach further information if required.**

**I confirm that this is an accurate representation of my complaint.**

**Signed by the Complainant ..... Date .....**

**Please return this to Mybe Awards marked 'Private and Confidential'**

**The following section is to be completed by a member of the management team**

**Date Received ..... Date Acknowledged: .....**

**Action taken / to be taken**