

LIBF

Complaints policy and procedure for apprentices and their employers

1. Introduction

- 1.1. This policy sets out the process for apprentices and their employers to make a complaint about the service provided by LIBF.
- 1.2. We're committed to delivering a high-quality service and take complaints from students, apprentices, and employers very seriously. It's our aim to settle complaints promptly, fairly, and courteously in the best interests of all parties, and to address areas where improvement is needed. We're keen to ensure that the interests and wellbeing of all those associated with a complaint are properly safeguarded.
- 1.3. Through our complaints process we ensure that
 - a. complaints are treated fairly, consistently, transparently, and in a timely manner
 - b. matters of concern can be raised without risk of disadvantage, and any matter raised that may be considered in line with the principles of whistleblowing will receive the same protections available to whistleblowers
 - c. where complaints reveal a failure on our part, we take appropriate action to rectify this for the complainant, and to identify any others who may have been adversely affected by the same issue
 - d. we review aspects of our service in the light of any complaints, and
 - e. we maintain duties of confidentiality to third parties, or other legal duties, in responding to complaints.
- 1.4. Complaints are logged centrally so oversight of any emerging trends in complaints or concerns can be assessed by our Complaints and Appeals Review Group (CARG).

2. Definition

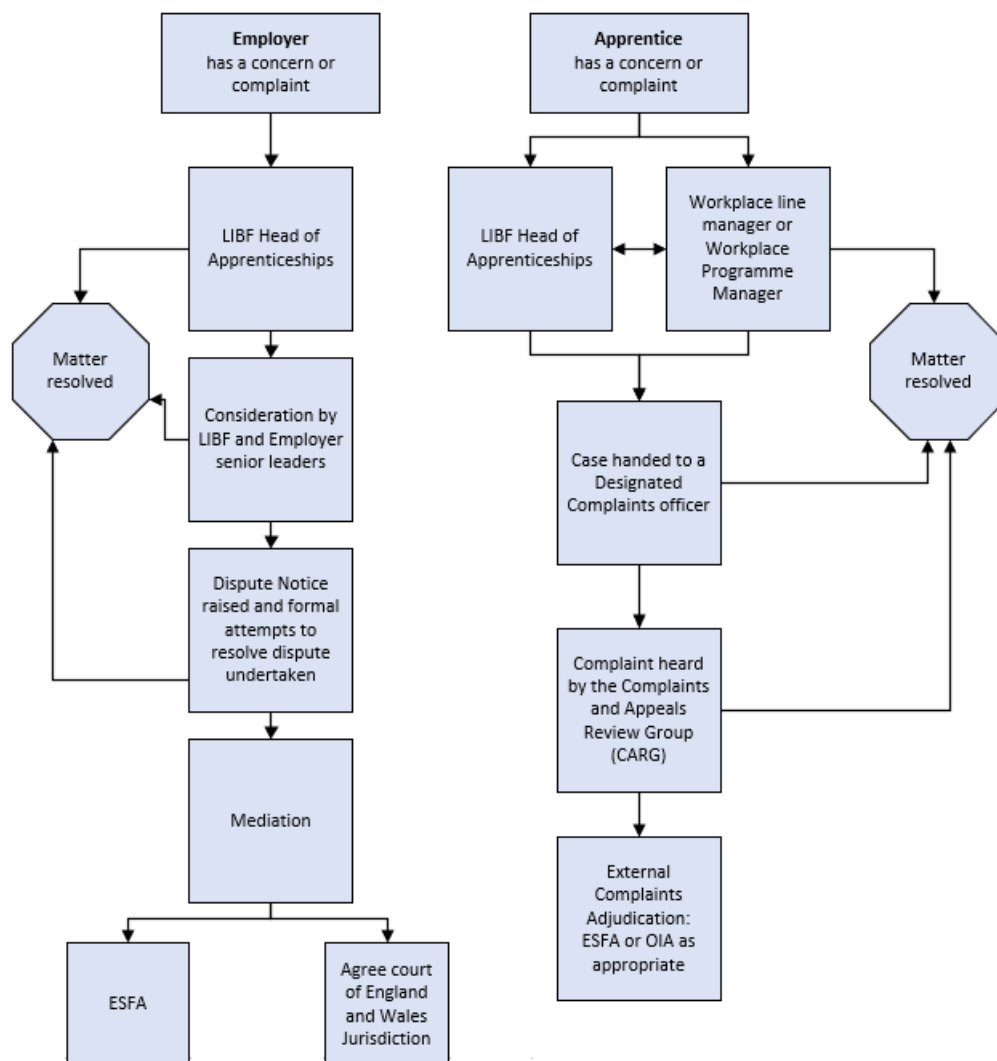
- 2.1. An **'informal complaint'** is defined as an issue that an apprentice or employer wishes to raise with a member of our staff, without using the formal complaints process. Informal complaints are usually quick to resolve and unlikely to require an in-depth investigation.
- 2.2. A **'formal complaint'** in this policy is defined as *'The expression of a specific concern about matters that affect the quality of an apprentice's learning opportunities, our action or lack of action or the standard of service provided by, or on our behalf.'*

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2.3. Where the complaint is around a request for a review of a decision taken by an individual or academic body responsible for making decisions about apprentices' progression, assessment or awards, this matter will be dealt with via the HE academic appeals process, which can be found in [chapter 10 of the Code of Practice](#). The apprenticeship team will be able to provide you with information on the process to follow.

3. Guide to making a complaint

Summary overview of the complaints process



Stage 1 - informal complaint

3.1. A complaint should be made as soon as possible, ideally within ten working days from the date of the incident occurring. This provides the best opportunity for those involved to be able to resolve the complaint quickly. We reserve the right to dismiss a complaint made more than

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three months after the incident occurred or that should, within reason, have been highlighted at an earlier point.

- 3.2. A complaint should be raised with the Head of Apprenticeships at LIBF or, for apprentices, with your workplace line manager or workplace Programme Manager who will, in turn, liaise with LIBF if appropriate to help resolve your complaint. The aim is to resolve the problem directly and informally at the earliest opportunity.
- 3.3. Once a complaint is raised with LIBF, you should receive an acknowledgement of your complaint within five working days. We will deal with all complaints as promptly as possible and within clearly defined timescales. Where it's not possible to meet these timescales, you'll be informed of the progress of your complaint.
- 3.4. Although stage 1 is informal, the member of staff involved should provide a written outcome to you and copy in the Head of Apprenticeships.
- 3.5. If, as employer, you remain dissatisfied with the outcome of your informal complaint, LIBF will arrange for a representative from your organisation, the Head of Apprenticeships, and a senior member of LIBF staff, who is independent of the original complaint, to review the complaint together. If following these discussions, you remain dissatisfied with the outcome of your complaint, you may agree mediation as detailed in Stage 4.
- 3.6. If, as an apprentice, you remain dissatisfied with the outcome of your informal complaint, you may follow the below complaints process.

Stage 2 – formal complaint

- 3.7. If together we're unable to resolve your complaint informally, you should escalate your complaint by writing to complaints@libf.ac.uk and copy in the Head of Apprenticeships. Your email should be titled as a 'Complaint'.
- 3.8. The complaints team will provide you with a complaints form to complete. This should set out the details of the complaint in full, include any evidence you have supporting your concern, what action has been taken to date regarding attempting an informal resolution of your complaint, and the resolution you are seeking. If you're unable to submit a complaint in writing due to a reasonable adjustment, please contact the apprenticeship team and they'll be able to help you submit your complaint.

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- 3.9. You'll receive confirmation of your formal complaint within five working days. A designated complaints officer will contact you to discuss what action has already been taken to try to resolve your complaint and if there's anything further they may be able to facilitate to resolve your complaint at this stage. If there's not and you continue to wish to escalate your complaint through the formal complaints process, the designated complaints officer will assist in compiling your case to go to CARG.

Stage 3 – escalation

- 3.10. The complaint will be raised at the next available meeting of CARG. CARG meetings are usually held every 20 days, however, if this timeframe can't be met, the designated complaints officer will keep you informed of the timescales and when your case will be heard.
- 3.11. You may request to attend the CARG meeting and present the details of your case directly to CARG. If you don't attend, your written case will be reviewed by CARG in your absence.
- 3.12. The standard of proof required at any consideration by CARG is the balance of probabilities.
- 3.13. You won't receive an outcome at the CARG meeting, but a formal complaint outcome letter will be sent to you within ten working days of your complaint being heard by CARG.
- 3.14. Depending on the nature of your complaint, CARG may not be able to propose a solution to your complaint even if they have accepted it. In this situation, CARG contacts the department best placed to address your complaint and request that they provide a suitable resolution. You'll receive written confirmation from CARG about their decision and any action(s) to be taken, including timescales, within ten working days of the case being heard.
- 3.15. If you remain dissatisfied with the outcome of your complaint following our internal complaints and appeal process, you may request that you are supplied with a completion of procedures letter, which you can use to support escalation of your complaint to the Office of Independent Adjudicator (OIA) or the ESFA Complaints Team.

Stage 4 – Complaints adjudication and dispute resolution

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- 4.1 As a higher education institution, OIA will be the external body who'll investigate complaints escalated externally if you remain dissatisfied following LIBF's internal review of your complaint. Requirements for OIA to review your case and their complaints process can be viewed [here](#).
- 4.2 As the regulator for apprenticeships, ESFA can be contacted via the Apprenticeship Service Support by calling 08000 150 600 or emailing helpdesk@manage-apprenticeships.service.gov.uk

Employers

- 4.3 Following completion of LIBF's complaints policy and procedure for apprentices and their employers, and where a complaint still remains unresolved, the dispute resolution requirements of the contract between LIBF and employer should be referred to.
- 4.4 Dispute resolution will normally be in line with the below process and timescales - unless varied by the specific LIBF / employer contract in place.
- 4.5 In the event that the parties have been unable to resolve any dispute through good faith discussions between their respective representatives, then either party may serve written notice on the other stating the nature of the dispute (a dispute notice).
- 4.6 After service of the dispute notice, the following procedure shall be followed
 - 4.6.1 within five days, LIBF's representative and the employer's representative shall meet to attempt to settle the dispute (each party acting in good faith)
 - 4.6.2 if LIBF's representative and the employer's representative are unable to reach a settlement within 21 days from the date of service of the dispute notice, the senior management of each of the parties shall meet within the following 14 days to attempt to settle the dispute, and
 - 4.6.3 if no settlement results from the meeting specified in 4.6.2 for the following 56 days, the parties shall attempt to settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) model mediation procedure. The cost of mediation will be covered equally by LIBF and the employer, if applicable.
- 4.7 Where an employer remains dissatisfied with the outcome of a complaint it can be escalated, in certain circumstances, to the Education and Skills Funding Agency (ESFA).

ESFA's email is complaints.esfa@education.gov.uk, or put the complaint in a letter to

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

- 4.8 The circumstances in which a complaint can be escalated to the ESFA can be found at: [Complaints procedure - Education and Skills Funding Agency - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complaints-procedure-education-and-skills-funding-agency)
- 4.9 If all steps of the above dispute resolution process is followed and no resolution is found, the parties may agree that a court of England and Wales shall have exclusive jurisdiction to settle a dispute arising in relation to the apprenticeship programme.

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