



<b>Owner:</b>	University Leadership Team
<b>Version number:</b>	1.0
<b>Effective date:</b>	May 2022
<b>Date of last review:</b>	N/A
<b>Due for review:</b>	2022/23

*This document is part of the Academic Regulations, Policies and Procedures which govern the University's academic provision. Each document has a unique document number to indicate which section of the series it belongs to.*

## 7M - Employer Complaints (Apprenticeships): Policy and Procedure

### Contents

1.	<b>SCOPE AND PURPOSE</b> .....	1
2.	<b>LINKS TO OTHER BU DOCUMENTS</b> .....	1
3.	<b>GENERAL PRINCIPLES</b> .....	2
4.	<b>DEFINITIONS</b> .....	3
5.	<b>APPLICATION</b> .....	4
6.	<b>REVIEW BY THE EDUCATION AND SKILLS FUNDING AGENCY</b> .....	4
7.	<b>REFERENCES AND FURTHER INFORMATION</b> .....	5

### 1. SCOPE AND PURPOSE

- 1.1 Bournemouth University (BU) is committed to providing high quality education and services to all its learners and partners. We aim to be responsive to concerns when they are raised. Employers of degree apprentices are important stakeholders in enabling the University to provide high quality degree apprenticeships and we welcome their feedback and cooperation to resolve issues for the benefit of the employer and apprentices.
- 1.2 This process can be used for all complaints that employers wish to raise with the University in relation to higher and degree apprenticeship provision. Complaints from apprentices are outside the scope of this policy. Complaints from employers in relation to any non-apprenticeship provision issues are also outside of this procedure. Where an apprentice is dissatisfied with any aspect of their apprenticeship they should refer to their apprentice agreement and raise relevant matters with the University via the process outlined in 11F - Student-Complaints: Policy-and-Procedure.
- 1.3 As a provider of higher and degree apprenticeships, the University seeks to resolve any complaints that may arise from an employer of an apprentice registered on a course with the University in an appropriate manner for the benefit of all concerned.
- 1.4 The Education and Skills Funding Agency (ESFA) requires all providers to provide employers with a written complaints and dispute resolution policy and process. This policy addresses that requirement by setting out the framework for employers to raise and resolve complaints and disputes.
- 1.5 Action taken as a result of complaints will help the University to improve the quality of education that it provides for apprenticeships.

### 2. KEY RESPONSIBILITIES

- 2.1 Senate approves new policies or amendments to existing policies relating to the Employer Complaints (Apprenticeships) procedure.
- 2.2 Academic Standards and Education Committee (ASEC) considers the effectiveness of the

arrangements for Employer Complaints (Apprenticeships) and recommends changes to current policy to Senate.

- 2.3 Employers are responsible for raising complaints in line with Policy and Procedure and for acting in accordance with it as required.
- 2.4 Faculties are responsible for ensuring that employers and apprentices are informed of the principles of this policy and procedure.
- 2.5 The Head of Academic Quality or nominee will coordinate the formal stage of the Employer Complaints process.

### **3. ACCESSING OTHER RELEVANT BU DOCUMENTS**

3.1 *All documents can be accessed [here](#).*

3.2 Other documents with direct relevance to this one are:

- *Unacceptable Behaviour Policy and Procedure*
- *Dignity and Respect (Harassment) Policy and Procedure*
- *Equality and Diversity Policy and its implementation*
- *11H Fitness to Practise Procedure*
- *11J Health, Wellbeing and Fitness to Study Procedure*
- *11K Student Disciplinary Procedure*
- *Safeguarding Policy*
- *Code of Practice on Freedom of Speech*
- *BU Prevent Policy*
- *Important Information (student facing policies and procedures)*

## **Policy**

### **4. GENERAL PRINCIPLES**

- 4.1 The University takes all Complaints seriously and deals with them without recrimination.
- 4.2 The University is committed to the fair and equal treatment of all individuals regardless of gender, age, disability, colour, race, ethnic or national origin, socio-economic group, sexual orientation, marital status, family responsibilities, religious or political beliefs.
- 4.3 The University is committed to ensuring that all Complaints are dealt with independently and without bias. The decision maker at each stage will be a different person, thus ensuring independence and the removal of the perception that any bias may have occurred. However, staff who have been involved at earlier stages may be required to provide evidence and information relating to the case.
- 4.4 The University will deal with all Complaints in a timely manner and will ensure that employers are communicated to with regards their case on a regular basis. Where the University needs to go outside of the timescales stipulated in this policy and procedure this will be communicated to the employer in a timely manner.
- 4.5 The University believes that Complaints provide feedback which allows us to improve services for employers and students. The University will investigate Complaints thoroughly and objectively and will seek to resolve them to the satisfaction of the Complainant.

- 4.6 Complaints will be dealt with positively and constructively and employers will be provided with reasonable and appropriate responses. Where a Complaint is upheld, the University will seek to correct any mistakes or misunderstandings and will take any other action as appropriate. Where a Complaint is not upheld the reasons for the decision will be provided.
- 4.7 BU will consider all Complaints with the highest level of confidentiality that can be maintained whilst still allowing for consultation with appropriate persons required to investigate the Complaint. Any individual against whom a Complaint is made has a right to be informed of the Complaint.
- 4.8 It may not be possible to investigate a Complaint fully and fairly if a Complaint is made anonymously. If the employer requests anonymity, this may only be granted in exceptional circumstances provided that this is consistent with effective investigation and where it is possible to do so. This will be determined on a case-by-case basis.

The Employer Complaints (Apprenticeships): Policy and Procedure is an internal procedure and is not a legal process. BU does not normally use legal professionals in the handling of complaints raised under this policy and procedure and does not expect that employers will need to do so either.

## Procedure

### 5. DEFINITIONS

- 5.1 The University defines an employer Complaint (Apprenticeship) as **'an expression of dissatisfaction by one or more employers about the University's action or lack of action in relation to apprentice provision, or about the standards of service by or on behalf of the University in relation to apprentice provision'**.
- 5.2 This policy and procedure is relevant for complaints from employers involved with an apprenticeship arrangement with BU. It covers Complaints about apprentice provision relating to:
- Programmes, services or facilities provided by the University, Partner or subcontractor;
  - Actions or lack of action by the University, Partner, subcontractor or any member of the University community.
- 5.3 This policy and procedure does not cover matters where other separate codes of practice or procedures apply, for example:
- Academic appeals relating to examinations or assessments or complaints from individual apprentices relating to a University service (see above);
  - Complaints relating to allegations of harassment by a member of the University community which will be dealt with in accordance with either 11K - Student Disciplinary Policy (for students) or Dignity and Respect (Harassment) Policy and Procedure (for staff);
  - Complaints relating to allegations of misconduct by a member of the University community which will be dealt with in accordance with the procedures laid out in the appropriate disciplinary policy;
  - This policy and procedure may not be appropriate if the concern relates to the process or content of an established University policy or procedure.
- 5.4 If the Employer and its Apprentice seek to raise a joint Complaint against the University arising out of the apprenticeship provision the University shall consider the facts of the Complaint and will determine the appropriate procedure to be adopted in respect of the Complaint and the Complaint will either follow the process set out in this procedure or shall follow the process set out in 11F - Student-Complaints: Policy-and-Procedure.

## 6. APPLICATION

- 6.1 Prior to submitting a formal Complaint, it is recommended that the employer raise any concerns with BU informally. This provides the opportunity for BU and the employer to discuss the concerns in good faith in an attempt to bring about an early resolution. In the event that the employer wants to raise a Complaint against the University, or in relation to any sub-contractor providing services on behalf of the University in connection with the apprenticeship, the employer shall state the outcome they are seeking to resolve the Complaint. For the University, the initial point of contact for discussions is the Lead Contact for the contractual relationship between the employer and the University. Usually this is a senior member of staff within the relevant Faculty.
- 6.2 If the Complaint cannot be resolved within a period of twenty working days of it being raised informally, either party may formally refer the dispute in writing to the Head of Academic Quality who can be contacted via [complaints@bournemouth.ac.uk](mailto:complaints@bournemouth.ac.uk). The details of the Complaint should include as a minimum:
- sufficient details of the nature of the dispute or Complaint
  - copies of any supporting documents
  - details of what steps have already been taken to resolve the Complaint
  - what outcome(s) the referrer would like to address the Complaint
  - whether there are any special circumstances which need to be taken into account, including any reasonable adjustments which any party wishes to make to the complaints-handling process to ensure it is accessible and fair to those involved.
- 6.3 It is expected that an employer who wishes to make a formal Complaint will do so within one calendar month of the incident that is the cause of the Complaint. Where an employer wishes to make a formal Complaint outside of this timescale, they will need to provide an explanation of why they were unable to keep within this timescale and provide evidence to support this.
- 6.4 The Head of Academic Quality (or their nominee) and the employer contact shall discuss the Complaint within twenty working days of the date of referral and attempt to resolve the Complaint in good faith, or agree the next steps for working out a solution.
- 6.5 If no resolution can be reached the Complaint may be referred to a member of the University Executive Team (or nominee) on behalf of the University and an alternative representative of the employer, who shall in good faith seek to resolve the Complaint within ten working days thereafter.
- 6.6 Nothing in this procedure is intended to replace any rights of the employer or the University in accordance with the contractual agreements signed by the parties in connection with the apprenticeship and this procedure is intended to supplement the contractual arrangements between the parties. If there is any conflict between the terms of this procedure and the contractual documentation between the University and the employer, the contractual documentation shall take precedence over the terms of this procedure.

## 7. REVIEW BY THE EDUCATION AND SKILLS FUNDING AGENCY

- 7.1 In the event that the Parties have been unable to resolve a complaint in accordance with the process set out in this procedure the Employer may escalate their complaints in accordance with the ESFA complaints process which can be found at: <https://www.gov.uk/complainfurthereducationapprenticeship>. The ESFA helpdesk can be contacted directly using 08000 150400 or email [nationalhelpdesk@apprenticeships.gov.uk](mailto:nationalhelpdesk@apprenticeships.gov.uk)

### General

**8. REFERENCES AND FURTHER INFORMATION**

- 8.1 [Education and Skills Funding Agency Apprenticeship Funding and Performance Management Rules for Training Providers 2020 to 2021](#)
- 8.2 If you would like this document in a different format please email [complaints@bournemouth.ac.uk](mailto:complaints@bournemouth.ac.uk)