

# Apprentice / Employer Complaints Policy

## 100% Effective

<b>Policy title:</b>	Apprentice / Employer Complaints Policy		
<b>Scope:</b>	All Staff, Subcontractors & Volunteers		
<b>Policy owner &amp; job title:</b>	Sharon Wellwood		
<b>Approver:</b>	Managing Director		
<b>Associated Policies &amp; Procedures:</b>	Safeguarding Policy Equality & Diversity Policy Disciplinary Procedure		
<b>Creation Date:</b>	June 2021	<b>Review:</b>	June 2022
		<b>Next Review Due Date:</b>	June 2023

## Overview

100% Effective Ltd.'s Apprenticeship programme is committed to delivering a high standard of service to our apprentices and treating all apprentices in line with 100% Effective Ltd.'s Equality & Diversity Policy. The complaints procedure is in operation to enable apprentices / employers to be heard and to ensure that any complaints are dealt with fairly, quickly and confidentially. Apprentices are informed of the complaint's procedure in their induction and employers are provided with the policy when contracted with.

100% Effective Ltd is committed to delivering a high-quality service and takes feedback from both apprentices and employers very seriously. It is our aim to settle complaints promptly, fairly and courteously in the best interest of all parties, and to address areas where improvement is needed. 100% Effective Ltd. is keen to ensure that the interests and well-being of all those associated with a complaint are properly safeguarded. We aim to handle complaints in a manner which:

- encourages informal conciliation nearest to the source of the complaint,
- is efficient and fair,
- treats complaints with appropriate seriousness, sympathy and confidentiality,
- facilitates early resolution,
- where relevant, ensures that LRTT practice improves as a result.

For effective oversight of processes and provision, our Managing Director will monitor the complaints received to check for evidence of trends in failure of provision or delivery.

## Purpose

This policy outlines the procedure to be followed by apprentices and employers, undertaking the apprenticeship programme, who have an issue or dispute with the services of 100% Effective in relation to apprenticeship training and/or assessment and the actions 100% Effective Ltd. will take to resolve complaints to a satisfactory conclusion.

## Scope

The policy covers all employers and their apprentices and staff involved in the delivery of our apprenticeship programme. A complaint can be anything associated with any involvement, interaction of any kind or delivery by 100% Effective throughout the entire apprentice process.

## Responsibilities

The apprentice team have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant standards. Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

The Designated Person responsible for dealing with any complaints that are brought against 100% Effective Ltd staff members is the Apprenticeship Program Manager. Where the complaint is brought

against the Apprenticeship Program Manager, these will be dealt with by the Managing Director of 100% Effective Ltd.

### **Receiving an allegation from an apprentice**

When an Apprentice has an issue or dispute relating to the provision of the delivery of services undertaken by 100% Effective Ltd, the Apprentice shall make the matter known to us either in writing by email to [Admin@100pcEffective.com](mailto:Admin@100pcEffective.com) ensuring the phrase Apprentice Complaint is clearly visible within the title of the email or inform a member of 100% Effectives staff verbally stating that you wish to complain.

A member of staff who receives an allegation about another member of staff from an apprentice should:

- Make notes as soon as possible writing down exactly what the apprentice said, when they said it, and what was happening immediately beforehand. If possible, write notes whilst the apprentice is present. If it is not appropriate to take notes at the time (for example if the apprentice is very upset), then aim to make notes shortly after the meeting using the above form.
  - Record dates and times of these events and when you wrote the notes.
  - Keep all handwritten notes, even if they are subsequently typed up, and sign and date the notes
  - Ask the apprentice to sign the notes.
  - The allegation should be reported immediately to the Designated Person
- The notes taken by the staff member who received the complaint, should be given to the Designated Person. The Designated Person should countersign the notes, date them and give to the Managing Director.
- The Designated Person should ask the staff member who brought the complaint to their attention about times, dates, locations and names of potential witnesses. All of this should be added to the notes.

### **Initial assessment**

The Designated Person should make an initial assessment of the allegation and decide whether the matter needs to be treated formally or can be resolved informally. Where the complaint does not appear to be of a serious nature (is not impacting on the apprentice's wellbeing or ability to complete their apprenticeship), the complaint should be heard by the designated person and addressed by talking to the relevant parties. Once all the information has been gathered the Designated Person should where possible implement a solution which is agreeable to all parties. If the parties cannot reach a solution apprentices can continue their complaint with the ESFA.

Where the allegation appears to be of a more serious nature (for example, a claim is made that is of a physical, sexual or emotional nature, bullying etc.) it will be necessary to treat the complaint in a formal manner. This is to protect all parties concerned: the apprentice, the staff member and 100% Effective Ltd. In these situations, the Designated Person will carry out a full investigation into the complaint.

Where the allegation is considered to be either a potential criminal act or indicates that the apprentice has suffered, is suffering or is likely to suffer significant harm, the matter should be reported immediately to the Police. In this case, refer to the Safeguarding Policy for more details about how to proceed.

### **Enquiries and investigations**

The Designated Person should carry out an investigation into the allegation made. This should be completed as soon as possible after the complaint has been received (**and in any case within 2 weeks.**)

The Designated Person should invite the apprentice in writing to a meeting to give them the opportunity to outline the complaint. The apprentice should be informed in the letter who will be taking the meeting and that there will be a representative from the Apprentice team present to take notes. The apprentice should also be offered the opportunity to bring a companion along to the meeting as a support. This companion can address the meeting and confer with the apprentice during the meeting but may not answer any questions on their behalf.

Prior to the meeting, the Designated Person should also invite the staff member against which the allegation has been made to the meeting. The letter should contain details of the nature of the complaint and the nature of the meeting, which is to gather facts and that it is not a disciplinary meeting. They should be made aware that it will be a formal meeting with a representative from the Apprentice team present to take notes. During the meeting the staff member should be asked about the alleged incident, whether there were any witnesses who might have been present and for any other information that they think might be relevant to the investigation.

The Designated Person should then contact any witnesses. Where possible they should meet the witness in person and take notes of the meeting. They should invite the witness to sign and date the notes. If not possible, the interview can be conducted over the phone or virtually. Notes should be taken. These should be copied, and the originals sent to the witness to sign and date and return.

Following a full investigation, the Designated Person shall make a decision as to the outcome and best course of action. The apprentice will be informed in writing as to the outcome of the investigation. The letter should include details of the allegation, details of the investigation, the decision that has been made subject to this investigation, and what will happen going forward.

Where the allegation has not been substantiated the apprentice will be informed that no further action is being taken. Consideration will need to be given by the Apprenticeship Program Manager and Managing Director as to whether the apprentice can continue on with their apprenticeship if they have made a false allegation; this decision will be included in the letter. Where the apprentice's complaint has been substantiated, the apprentice will be informed that the complaint will be dealt with under 100% Effective Ltd.'s disciplinary procedures, and if appropriate that it has been referred to the necessary authorities. If the apprentice does not believe that their complaint has been dealt with, the complaint can be reviewed by the Managing Director of 100% Effective Ltd.

### **Records**

It is important that documents relating to an investigation are retained in a secure place, together with a written record of the outcome and, if disciplinary action is taken, details retained on the member of staff's personal and confidential file.

### **Complaints from Employers to 100% Effective Ltd.**

When an Employer has an issue or dispute relating to the provision of the delivery of services undertaken by us, the employer shall make the matter known to 100% Effective Ltd in writing by email to the Managing director. The employer should fully document the complaint and provide evidence, if appropriate.

We will thoroughly investigate the complaint(s) raised and notify the employer in writing within 10 working days.

If necessary, an independent investigator will undertake a full review of the complaint and detail its findings to both parties upon the conclusion of the investigation.

### **Definitions**

An 'informal complaint' is defined as an issue which an 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.

A 'Complaint' is defined as 'an expression of dissatisfaction about 100% Effective Ltd's action or lack of action, or about the standard of service provided by, or on behalf of 100% Effective Ltd.

An 'Appeal' is 'a request for a review of a decision taken by an individual or academic body charged with making decisions about an apprentices' progression, assessment, and awards'.

### **Guide to making a complaint (employer)**

The process for raising a complaint by an apprentice or an employer with 100% Effective Ltd is detailed below.

#### **Stage 1: Informal complaints**

Where possible, complaints should be raised immediately with relevant departments at the source of the complaint, or via the apprentice centre team. The aim is to resolve the problem directly and informally at the earliest opportunity. It is anticipated that the vast majority of complaints will be resolved in this manner.

Although Stage 1 is informal, the member of staff involved should provide a written outcome to the employer complainant, copying in the Managing Director who will record the details of all informal employer complaints.

Acknowledgement of the complaint will be provided within 48 hours, and a full response given within 4 weeks.

If the employer is unable to raise the complaint at the source, or is dissatisfied with the outcome, they should make a formal complaint (see next stage).

#### Stage 2: Formal complaints

To make a formal complaint an employer should put the matter in writing to 100% Effective by email to the Managing Director ensuring the word 'complaint' is in the title.

The email should set out the details of the complaint in full and what would be an appropriate resolution.

Apprentice staff will log the complaint on the internal data system. 100% Effective Ltd will acknowledge receipt of the complaint within two working days, and the complaint will be forwarded to an 'Investigating Officer' who has not been previously involved with the complaint.

The Investigating Officer will be a member of the Senior Leadership Team. The Investigating Officer will review all information submitted, and meet with relevant members of staff to review the complaint.

The Investigating Officer will also speak with the employer complainant to clarify facts where required. As part of the process, mediation may be offered to resolve the complaint. If mediation is offered, revised timescales for the resolution of the complaint will be agreed in writing between 100% Effective Ltd and the complainant.

A written response relating to the findings of the inquiry will be issued by the Investigating Officer within a maximum of four weeks from the date of receipt of the original complaint. If the employer complainant is not satisfied with the action taken, he/she may proceed to Stage 3 of the procedure.

#### Stage 3: Review

Where employers are not satisfied with the response provided by 100% Effective Ltd at Stage 2, the complaint can be escalated for investigation by an independent reviewer. The reviewer will not re-investigate the complaint unless new evidence is presented. The independent reviewer will ensure that appropriate procedures are followed, the decision was reasonable, as well as considering any new evidence submitted.

#### Stage 4: Complaints Adjudicator

If after exhausting this 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).

Our complaints policy can be found at <https://www.100pceffective.com/wp-content/uploads/Apprentice-complaints-Policy.pdf>

Please sign this document to indicate that you have read and understood the apprentice complaints policy.

Apprentice signature

Date:

Signed off by

**Managing Director**



**John Wellwood**

**Review actions**

Review date June 2022

	<b>Action / Question</b>	<b>By Who</b>	<b>By When</b>	<b>Status</b>
1	No actions			
2				
3				