

## **2Q: Employer Complaints Policy**

Quality Management

**Document Type:** Policy

**Location:** Academic Handbook Section 2Q

**Version:** 1.1

**Last major review:** 2017/2018

**Last updated:** February 2022

**Last approved by and date:** LTSSC March 2022

## Introduction and key principles

1. The University is committed to providing a fulfilling, rewarding and enjoyable experience for all individuals and organisations it deals with, and endeavours to provide an excellent standard and quality of service in all its activities.
2. This policy sets out the process for employers to make a complaint about the service provided by the University. There is a separate complaints policy for apprentices who wish to make a complaint (Section 2V of the Academic Handbook).
3. For the purpose of this policy, employers are defined as organisations who have agreed to employ students, as part of a formal agreement with the University, which normally forms part of a course's curriculum, i.e. work placements, or sponsors an employee to undertake a course provided by the University. The University will not normally accept complaints by a third party on behalf of an employer.
4. A complaint is defined as an oral or written expression of dissatisfaction about an aspect of a service or facility provided by, or on behalf of the University, which is perceived to be unsatisfactory or unacceptable.
5. The University aims to settle all complaints promptly, fairly, and courteously in the best interest of all parties, and to address areas where improvement is required. The University is keen to ensure that the interest and well-being of all those associated with a complaint are properly safeguarded.
6. Complaints must be made in a timely manner, usually within a month of the incident/event. Where a complaint is received outside of this timeframe, the University may still review the complaint, but the delay may impact on any investigations required as part of the review. Consideration of a complaint received unreasonably late (more than one month of the incident/event) will be at the discretion of the Head of Quality Management.
7. The University will ensure that complaints from employers are:
  - i. treated seriously, fairly, transparently and with impartiality;
  - ii. addressed within a reasonable timescale;
  - iii. fully investigated;
  - iv. dealt with sensitively and in confidence;
  - v. considered within the framework of the University's policies and practices; and
  - vi. dealt with having due regard to UK legislation.

8. In determining whether a complaint is justified or not the standard of proof is based on the 'balance of probability' rather than 'beyond all reasonable doubt'.
9. Where a matter raised under the Employer Complaint Policy needs to be referred to an alternative University policy or procedure (e.g. student academic misconduct, staff disciplinary procedure, the student disciplinary procedure) the employer will be advised and the complaint will be dealt with under the relevant procedure.
10. Nothing in this policy is intended to replace or repeal any rights of the employer or the University in accordance with any contractual agreements signed between the parties and this policy is intended to supplement the contractual arrangements between the parties. If there is any conflict between the terms of this policy and the contractual documentation, then the terms in the contractual documentation shall take precedence.
11. The University cannot accept any complaints relating to an End Point Assessment (EPA) Provider as it does not exercise any control over the EPA Provider. The University may, at its discretion, agree to mediate over any dispute between the employer and EPA Provider. Complaints against an EPA Provider should be raised directly with the Provider using their published complaints procedures.

## **Process**

### **Stage one: Informal complaint**

12. In the event of a dispute arising between the University and the employer, or the employer and any sub-contractor, the parties shall discuss in good faith a resolution to the dispute. For the University the initial point of contact for discussions is the Quality Management department ([qa@solent.ac.uk](mailto:qa@solent.ac.uk)).
13. It is anticipated that the majority of complaints will be resolved informally. Where an issue has been resolved the member of staff involved should provide a short written statement to the employer describing the issues raised and the resolution agreed. The outcomes should be copied to the Quality Management department to enable the recording of the complaint.
14. If the dispute continues and is not expected to be resolved within five working days, then the employer may submit a formal complaint using the processes detailed below.

### **Stage two: Formal complaint**

15. Where an employer could not raise the issue at the source, or an informal resolution could not be found then the employer can submit a formal complaint to the University.
16. To make a formal complaint the employer should put the matter in writing to the University by email to the Head of Quality Management at [qa@solent.ac.uk](mailto:qa@solent.ac.uk). The email should set out the details of the complaint in full and what would be an appropriate resolution.
17. The Head of Quality Management will assign the complaint to an 'investigating officer' (a member of staff at grade 7 or above) who has not been previously involved with the complaint.

18. The investigating officer will review all the information submitted and meet with relevant members of staff to review the complaint. Where required, they may also speak to the employer complainant to clarify the facts. As part of the process, mediation may be offered to resolve the complaint; if mediation is offered and accepted the timescales will be revised to accommodate this.
19. A written response relating to the findings of the investigation will be issued by the investigating officer within twenty working days from the date of receipt of the original email. Where appropriate, the response will set actions for the University to complete in order to resolve the issues complained about.
20. If the employer is not satisfied with the action taken, they may proceed to stage three of the process.

### **Stage three: Independent Review**

21. Where the complaint is not resolved to the satisfaction of the employer they may request a review of the complaint by email to the Head of Quality Management at [qa@solent.ac.uk](mailto:qa@solent.ac.uk).
22. The Head of Quality Management will assess the request and agree to a review where the employer has demonstrated they have valid grounds for the review.  
  
Valid grounds for the review of a complaint are:
  - i. New evidence can be presented to support the complaint;
  - ii. There is evidence of procedural impropriety in the investigation of the complaint at Stage Two.
23. Where the Head of Quality Management concludes there are no grounds for appeal, the employer will be informed and notified that this marks the end of the University's internal procedures.
24. Where the Head of Quality Management finds that the employer has valid grounds for appeal, they will appoint an 'independent reviewer' to investigate the complaint. The independent reviewer will not have been involved with the case and will be a senior member of staff (grade 10 or above).
25. The independent reviewer will investigate the handling of the complaint and, where relevant, review any new evidence produced.
26. A written response relating to the findings of the independent review will be issued by the investigating officer within twenty working days from the date of receipt of the original email. Where appropriate, the response will set actions for the University to complete in order to resolve the issues complained about.
27. This marks the end of the University's internal complaints procedures.

### **Escalating externally**

28. If the employer is still dissatisfied with the outcome, and the complaint is linked to degree apprenticeships, they may be able to escalate their complaint to the Education and Skills Funding Agency (ESFA).
29. Where this option is available, details will be provided in the final letter issued by the University.

30. The ESFA will not investigate complaints until the University's internal procedures have been fully exhausted. They do not re-investigate the original complaint but will review whether the University investigated the complaint properly in line with its policies.
31. More details of the ESFA complaints procedures can be found on the ESFA website.

## Reporting

32. Quality Management will maintain a record of recommendations that arise from employer complaints and monitor faculty/school/service responses to those recommendations.
33. An annual report on those complaints relating to academic matters will be provided to Academic Board.
34. An annual report on non-academic complaints will be provided to Management Board.

After the internal university processes have been exhausted, complainants have the opportunity to raise their complaint with the Education & Skills Funding Agency (ESFA) if they are not satisfied with the university's response. You must contact the ESFA within twelve months after the issue has happened.

Email or post your complaint to the ESFA complaints team.

ESFA complaints team  
[complaints.ESFA@education.gov.uk](mailto:complaints.ESFA@education.gov.uk)

Complaints team  
Education & Skills Funding Agency  
Cheylesmore House  
Quinton  
Road  
Coventry  
CV1 2WT

The ESFA will reply to let you know what will happen next.

If you're unhappy with the ESFA response

You can contact the Department for Education if you're unhappy with how the ESFA has dealt with your complaint.

Complainants also have the opportunity to have their complaint independently reviewed by the Office of the Independent Adjudicator (OIA).