



**London
South Bank
University**

EST 1892

Employer Complaints Procedure

Last approved by the Deputy Vice Chancellor Education in January 2019

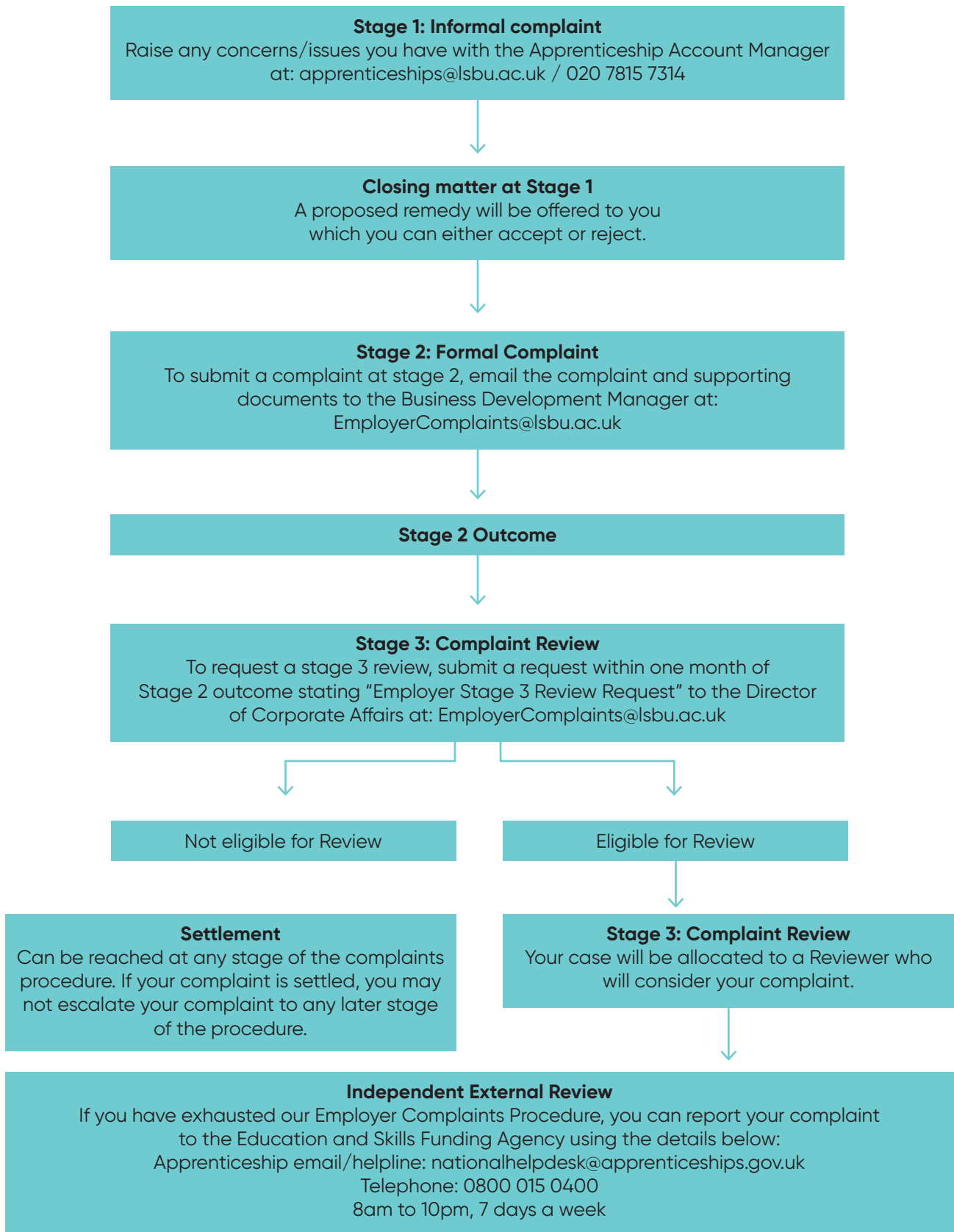
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This Procedure is available in accessible formats on request from:
apprenticeships@lsbu.ac.uk

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Employer Complaints Procedure Flowchart



1. Introduction

- 1.1. We are committed to offering an exceptional student experience to all of our students. However, we recognise that it is inevitable that on occasion a complaint may arise. We, therefore, welcome comments and feedback as means of improving the student experience.
- 1.2. The Employer Complaints Procedure is based on the principles of fairness and transparency. Its aim is to ensure that complaints are dealt with as quickly as possible and the processes and the reasons behind decisions are clear. Support services provided by the Wellbeing team and the Student's Union are also available to our students throughout the complaints process.

2. Scope

- 2.1. This procedure applies to you if you are:
 - a. dissatisfied about the University's action, inaction or standards of service which has been provided by or on behalf of the University, on or off the campus to your employee who is a student at LSBU (the "Student-employee"), which s/he has not been able to resolve through informal processes; and
 - b. an employer who partially or fully sponsors a Student- employee's study; or
 - c. an employer who directly contracts (partially or fully) Apprenticeship training with LSBU.
- 2.2. Academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy or losing their jobs or any privileges they may have at the University. We reserve the right to determine the content of our courses and the way they are taught, supervised or assessed, the criteria for the admission of studies and how these criteria are applied in particular cases. Therefore, complaints about such matters, in some circumstances, may be outside the scope of this procedure.
- 2.3. We operate an internal Student Complaints Procedure (http://www.lsbu.ac.uk/__data/assets/pdf_file/0003/84423/student-complaints-procedure.pdf) for any complaints that students may have. We encourage the students to use the Student Complaints Procedure, especially as they will be more familiar with the details and circumstances of their complaint. Where possible, you and your Student-employee should agree whether to submit an Employer Complaint under this procedure or a Student Complaint using the Student Complaints Procedure (http://www.lsbu.ac.uk/__data/assets/pdf_file/0003/84423/student-complaints-procedure.pdf) in relation to an issue to minimise duplication.

- 2.4. We also operate a number of internal procedures that may help students to resolve their particular issues (e.g. in relation to Academic Appeals http://www.lsbu.ac.uk/__data/assets/pdf_file/0003/134535/student-academic-appeals-procedure.pdf and Extenuating Circumstances http://www.lsbu.ac.uk/__data/assets/pdf_file/0003/118578/student-extenuating-circumstances-procedure.pdf). The Employers Complaints Procedure is not a substitute for those procedures and students must follow the prescribed timelines within those procedures if they want to rely on them.
- 2.5. Where a complaint involves multiple issues, which do not fall neatly into the category of complaint (e.g. because it also covers issues that fall within the remit of academic appeals or other procedures), with written agreement of all parties, the matters may be considered together. Depending on the individual circumstances of each incident, we reserve the right to either suspend one procedure pending the outcome of the other, or decide not to pursue a procedure in favour of the other.

3. Responsibility

- 3.1. The Deputy Vice Chancellor Education ("DVC Education") has overall responsibility for this procedure but has delegated day-to-day responsibility for overseeing its implementation to the Director of Corporate Affairs. All relevant staff have been made aware of the procedure and have received appropriate training.
- 3.2. This procedure will be reviewed from time to time (and at least every two years) by the Director of Corporate Affairs and the University Solicitor to ensure that its provisions continue to meet our legal obligations and reflect best practice.

4. When can you make a complaint?

- 4.1. You may make a complaint about an issue or event which occurs while your Student-employee is enrolled as a student at the University. Your Student-employee does not need to be still enrolled when you make your complaint provided the issue or event about which you wish to complain occurred while they were an enrolled student. Whether they are a current or former student, you must submit your complaint as soon as possible and, in any event, you must make it no later than three months after the event occurs.
- 4.2. If your complaint consists of a series of connected events, the time limit will start running from the most recent event. However, you should raise any concerns as soon as possible to enable us to investigate them effectively.

5. Anonymous complaints

- 5.1. Normally, anonymous complaints will not be considered. Exceptionally, however, an anonymous complaint may be considered when we conclude that there is a compelling case – supported by evidence – for the matter to be investigated and an investigation is not prejudiced by the anonymity of the complaint.

6. Complaints which are related to matters subject to a police investigation

- 6.1. If the issue or event triggering the complaint is the subject of, or related to, a police investigation, we may suspend the Employer Complaints process pending the completion of that investigation and where appropriate any criminal proceedings, or may continue in parallel. This will be decided on a case by case basis and, where appropriate, in dialogue with the police and University Solicitor.

7. Evidence

- 7.1. When using this procedure you must support your complaint with robust evidence. For example, emails, meeting and telephone attendance notes can help us investigate your complaint more effectively.

8. Protocol on confidentiality

- 8.1. University staff will handle complaints with an appropriate level of confidentiality and release information only to those who need it for the purposes of investigating or responding to it.
- 8.2. Details of any complaint about another student or members of staff will be shared with them, so that they can respond to any allegations made against them.
- 8.3. Anyone making a complaint is expected to maintain confidentiality and avoid publishing to third parties, either on social media or by other means, any correspondence about the complaint between the complainant and the University or any other University correspondence which is part of the complaint.
- 8.4. We will share details of the complaint outcome with the relevant department(s).

9. Use of data from complaints and data protection

- 9.1. Employers should ensure that they have their Student-employee's consent to submit a complaint in relation to any issues. The Student-employee's consent to share their personal data for the purpose of dealing with a specific complaint with their employer must be provided to the University with the complaint.

- 9.2. To help us continually improve the student experience, we will collect data on complaint outcomes at each stage of this procedure and any complaints submitted by you to any regulators, and use the data:
- a. internally for reporting, evaluating, learning and training; and
 - b. externally for discussions with regulators in the higher education sector.
- 9.3. We will use the data for the purposes set out in paragraphs 9.1 a) and b) without identifying complainants and/or Student-employees where possible. However, there will be instances where Student-employees' personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") will be disclosed to the University's members of staff and regulators (e.g. OFSTED and Institute for Apprenticeships) in order to deal with the complaint and implement any recommendations. Personal Data will not be shared with any other third parties unless the University has the Student-employee's express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

10. Good conduct

- 10.1. Anyone using this procedure is expected to act professionally, reasonably and fairly towards University staff, and in particular to refrain from conduct which is abusive and aggressive. We reserve the right to suspend/stop dealing with your complaint if bad conduct takes place.

11. Frivolous or vexatious complaints

- 11.1. If we believe that your complaint is frivolous or vexatious, we reserve the right to terminate our investigation of your complaint. A complaint will be deemed vexatious or frivolous if it is:
- a. obsessive, harassing, or repetitive;
 - b. insistent on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcome;
 - c. insistent on pursuing what may be meritorious complaints in an unreasonable manner;
 - d. designed to cause disruption or annoyance; and/or
 - e. demanding for redress which lacks any serious purpose or value.
- 11.2. In such cases, we will write to you explaining why we are terminating consideration of your complaint. If you want to challenge this decision, you must set out your reasons and submit them together with any supporting evidence in writing to the Student Complaints Officer at student.complaints@lsbu.ac.uk within ten working days of the date of the University's letter. The Student Complaints Officer will inform you of the outcome of your challenge within ten working days of receiving it.

12. How to use this procedure

- 12.1. The procedure consists of three stages described below. The purpose of this procedure is to resolve complaints at the earliest possible stage, and, where appropriate, to implement remedies promptly.
- 12.2. Our aim is to complete our internal Employer Complaints process within 90 days of the complaint being submitted at the formal stage. This 90 day timeframe requires you to engage with the Employer Complaints Procedure, meet all of the University's deadlines for submission of materials, and/or attend meetings (where required) at each stage of the process.

13. Stage 1: Informal complaint

- 13.1. Most informal complaints can be resolved locally. In the first instance you should discuss your issue with the Apprenticeship Account Manager at:
 - apprenticeships@lsbu.ac.uk
 - 020 7815 7314
- 13.2. We will normally provide you with a response in relation to Stage 1 within 10 working days from receipt of the complaint. We reserve the right to extend the period we need for response during vacation periods. We aim to resolve informal complaints as quickly as possible and any delays in the resolution will be clearly communicated to you.
- 13.3. Depending on the nature of the complaint, the outcome of Stage 1 will be communicated to you either verbally or in writing. We will inform you of the decision made, details of the decision, details of any remedies that have been proposed to you in order to resolve your complaint and information on how to progress your complaint to the next stage where necessary.

14. Stage 2: Formal complaint

- 14.1. If you are dissatisfied with the outcome of Stage 1, you have one month from the date of the Stage 1 outcome in which to escalate matters to a Stage 2 formal complaint.
- 14.2. If you want to submit a complaint at Stage 2, please email your complaint and any supporting documents to the Business Development Manager, Apprenticeships at:
 - EmployerComplaints@lsbu.ac.uk
- 14.3. We will normally acknowledge receipt of your complaint within 5 working days of your submission, excluding weekends, public holidays and any official University holiday or closure period.

- 14.4. An investigation into your complaint will take place by a member of the Apprenticeship Team who will not have had any previous material involvement in the case. They will investigate your complaint, as they consider appropriate to establish all the facts relevant to the points made in your complaint. This may involve interviewing you and any witnesses if appropriate, liaising with your Student-employee's School or relevant department and reviewing any evidence presented by you and the University before issuing you with a response. Alternatively, if the nature of your complaint is complex, your complaint may be referred to a senior member of the Corporate Affairs team who has had no previous involvement in the matter.
- 14.5. When a complaint relates to a specific member of staff, those staff shall have the right to see copies of relevant documentation in order to present evidence to the Business Development Manager, Apprenticeships and to be informed of the outcome of the complaint. We reserve the right to maintain confidentiality in relation to staff disciplinary matters.
- 14.6. A full written complaint outcome response will be sent to you within 1 month of receipt of the Stage 2 complaint submission. If this deadline is not practical, in particular if this is due to the nature of the complaint, we will contact you to explain the delay and set a new deadline for our Stage 2 response. The outcome will outline the reasons for each decision and the right (on limited grounds) to a Review at Stage 3.

15. Stage 3: Complaint Review

- 15.1. If you are dissatisfied with the outcome of Stage 2 on the grounds stated below, you have one month to request a Stage 3 Review by submitting a request to the Director of Corporate Affairs at EmployerComplaints@lsbu.ac.uk and stating "Employer Stage 3 Review Request (together with your Student-employee's full name and student number)" in the subject section of your email. We will normally acknowledge your request within 5 working days of receiving it.
- 15.2. Requests for complaint Review will be granted on limited grounds, namely:
- i. there was a procedural irregularity at the formal stage (e.g. there was a material failure by the University to follow the complaints procedure at Stage 2, clear reasons were not provided for the decision at Stage 2, or there is evidence of bias);
 - ii. the stage 2 outcome was not reasonable in all the circumstances (i.e. no reasonable decision-maker, properly directing him/her/itself and taking into account the relevant facts, could have reached that decision);
 - iii. new material evidence which you were unable, for good reasons, to provide earlier in the process;

- 15.3. You should set out your concerns clearly and succinctly and provide evidence in support (where possible). You must explain how the response received at Stage 2 falls within one or more of the grounds set out above in paragraph 16.2 and outline what we should do to resolve the complaint.
- 15.4. A member of the Corporate Affairs team with no prior involvement in the matter will make a decision as to whether your request for a Review at Stage 3 is based on the permitted grounds and hence eligible to be considered at Stage 3 and will notify you within 5 working days of receiving the request.
- 15.5. If it is believed that the grounds are not satisfied, you will be informed of the decision and we will send you a letter confirming the closure of your matter and University processes within 28 days of the decision not to progress your matter to Stage 3.
- 15.6. If we believe that one or more of the grounds for review apply to your case, we will allocate the Review to a senior member of staff not previously involved in Stages 1 or 2 of the complaint (the "Reviewer"). The Reviewer will review all information collated for the complaint, together with any new evidence presented, on paper but may contact you and anyone previously involved in the complaint as well as any new witnesses.
- 15.7. The purpose of conducting a complaint Review is to consider whether the ground(s) relied on by you have merit. Stage 3 will not usually involve a fresh, full investigation. A complaint must have been considered at formal Stage 2 before it can be escalated to Stage 3 Review.
- 15.8. The outcome of Review will be that the Reviewer either upholds the outcome made at the formal stage, or makes a different finding which overturns the outcome. The decision taken by the Reviewer at the Review stage is final. The final decision of the Stage 3 Review will be communicated to you in writing, with reasons, usually within 28 days from your Stage 3 Review request being accepted.

16. Settlements

- 16.1. A settlement of a complaint can be reached at any stage of the procedure. If your complaint is settled, you may not escalate your complaint to any later stage of the procedure.

17. Independent external review

17.1. Apprentices

If you are an Employer of an apprentice and have exhausted our Employer Complaints Procedure, you can report your complaint to the Education and Skills Funding Agency using the details below:

Apprenticeship helpline: nationalhelpdesk@apprenticeships.gov.uk
Telephone: 0800 015 0400, 8am to 10pm, 7 days a week



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