

# Apprenticeship and End Point Assessment Complaints Policy

## 1. Introduction

WeST Learning Institute is the outreach arm of Westcountry Schools Trust (WeST). This policy reflects WeST's commitment to valuing the voice of those who use its apprenticeships and apprenticeship end point assessment services.

Our aim is to resolve issues of dissatisfaction as close to the initial point of contact as possible and to conduct thorough and fair investigation of complaints so we can make timely, evidence-based decisions on the facts of each individual case. Concentrating on achieving an early resolution of a complaint as close to the point of contact as possible will free up the time of staff and ultimately contribute to the continued positive experience of apprentices and employers.

This policy is set at the discretion of WeST and is in line with Education and Skills Funding Agency Rules and the IfATE External Quality Assurance Framework.

## 2. Raising Awareness

This policy is sent to employers and training providers upon selection and appointment of WeST Learning Institute as the end-point assessment (EPA) and apprenticeship service provider. It is also available on The Learning Institute's website [www.learninginstitute.co.uk](http://www.learninginstitute.co.uk). This policy is made available to apprentices, by their employer, as part of their induction to their apprenticeship, and at the gateway to EPA.

## 3. Definition

A complaint may be defined as an expression of dissatisfaction about the standard of service, action or lack of action by or on behalf of WeST Learning Institute. A complaint may relate to:

- The quality and standard of the EPA or apprenticeship service
- The quality of facilities or EPA or apprenticeship resources
- Treatment by, attitude or behaviour of a WeST Learning Institute staff member or assessor
- The failure of WeST Learning Institute to follow an appropriate administrative process

The definition of a complaint is very broad and the list above is not exhaustive. However, not every concern raised with us will be viewed as a complaint. For example, the following are not:

- A query on the operation of EPA or apprenticeship
- A request under the Freedom of Information Act or General Data Protection Regulation
- A request for information or an explanation of policy or practice
- A response to an invitation to provide feedback through a formal mechanism such as a survey
- An issue which is being, or has been, considered by a court or tribunal
- An appeal about an EPA or apprenticeship grading decision
- A grievance which is eligible for handling through the grievance procedure

This policy covers complaints from anyone who receives, requests or is affected by our services. This includes, although is not limited to:

- An apprentice's experience during their EPA or apprenticeship
- An employer's experience during EPA or apprenticeship
- A training provider's experience during EPA or apprenticeship (Please note that training providers are not involved in the delivery of EPA activities, but will be involved in the overall journey as the lead provider)
- A WeST Learning Institute assessor experience delivering EPA or apprenticeship services on behalf of WeST
- Members of the public where they have a complaint about matters which are the responsibility of WeST Learning Institute

Sometimes complainants may be unable or reluctant to make a complaint on their own. WeST Learning Institute will accept complaints brought by third parties, as long as the complainant affected has given their personal consent under the requirements of General Data Protection Regulation. This usually means that the apprentice must give clear written authority for the third party to act on their behalf. Complaints made by a third party with the explicit permission of the complainant will be dealt with according to the same process and timescales.

Complaints can be sent through via email ([apprenticeships@learninginstitute.co.uk](mailto:apprenticeships@learninginstitute.co.uk)) phone (01726 891807) or letter (IQA lead, WeST Learning Institute, Morley Meadow, Plymstock, Plymouth).

#### **4. Maintaining Confidentiality**

Confidentiality is an important factor in conducting complaints investigations. WeST Learning Institute will always have regard to any legislative requirements; for example, data protection legislation and also internal policies on confidentiality and the use of complainant information.

Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party, other than Ofqual as External Quality Assurance (EQA), will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. A summary of complaints and resolutions will be shared with Ofqual in the annual Statement of Compliance required as EQA or sooner if the complaint is deemed to have severe adverse effect on the EPA provision. The same will be available to IfATE/ESFA as required.

#### **5. Anonymous Complaints**

Complaints submitted anonymously will be considered if there is enough information in the complaint to enable WeST Learning Institute to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. If the complaint relates to "whistle blowing", this will be dealt with in line with the Public Interest Disclosure Act. For further information, please refer to the WeST Whistleblowing Policy.

## 6. Complaints involving other organisations involved in EPA or apprenticeship

This relates to complaints that involve services provided by a separate organisation. If enquiries to an outside organisation in relation to the complaint are required, care will be taken to comply with data protection legislation and the guidance on handling personal information. Such complaints may include, for example: a complaint made in relation to provision of third-party services, for example IT systems. If a complaint is received about the service of another organisation, but WeST Learning Institute has no involvement in the issue, the complainant will be advised to contact the appropriate organisation directly.

## 7. The Complaints Handling Process

We aim to provide a quick, simple and streamlined process with a strong focus on early resolution:

- i. A complaint may be made in person, by phone, by email or in writing
- ii. Receipt of complaint acknowledged by the close of the next working day (copy of this policy included within the acknowledgment)
- iii. Complaint referred to the IQA leader to determine the scope and whether it can be immediately resolved or requires investigation Immediate resolution
- iv. IQA leader provides a decision on the complaint within five working days
- v. Complainant notified of outcome of complaint (phone, email or letter) and advised of their right to ask for further investigation
- vi. Investigation
  - Investigate where the complainant is still dissatisfied after communication of immediate resolutionOR
  - Investigate where it is clear that the complaint is particularly complex or will require detailed investigation.
- vii. Complainant notified that their complaint will be investigated and that a decision will be provided within 20 working days
- viii. Summary of complaint added to WeST Learning Institute complaints record sheet
- ix. Complainant notified of outcome of investigation in writing and advised of their right to ask for an independent external review, including time limits
- x. If the complainant is not satisfied with the decision and with the way we handled the complaint, we will refer complainant to an independent external reviewer.
- xi. Complaint closed and outcome recorded. IQA reports complaint through WeST Learning Institute Governing Board to WeST Trust Board, and submit an event notification to Ofqual as EQA (see section 12 below).

## 8. Time Limit for Making Complaints

Complaints should be raised with WeST Learning Institute as soon as problems arise to enable prompt investigation and swift resolution. This policy sets a time limit of three months to raise a complaint, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time. A complaint may be made in person, by phone, by email or in writing.

- Receipt of complaint acknowledged by IQA or representative by the close of the next working day (copy of policy included within the acknowledgment)
- Beyond the three-month time limit, WeST Learning Institute will exercise discretion in the way that the time limit is applied.

## **9. Extensions to the Investigation Timeline**

Not all investigations will be able to meet the 20-day deadline; for example, some complaints may require investigation involving others. Where there are clear and justifiable reasons for extending the timescale, the IQA will exercise judgement and will set time limits on any extended investigation, with the agreement of the complainant. In such circumstances, the complainant must be given a revised timescale for bringing the investigation to a conclusion. It is expected, however, that this will be the exception and that the IQA will always strive to deliver a definitive response to the complaint within 20 working days.

## **10. Mediation**

Some complex complaints (where, for example, the complainant and/or other involved parties have become entrenched in their position) may benefit from a different approach to resolving the complaint. Using mediation can help both parties to understand what is driving the complaint, and may be more likely to result in a mutually satisfactory conclusion being reached. Where WeST Learning Institute and the complainant agree to mediation, revised timescales will be agreed.

## **11. Independent External Review**

If a complainant is not satisfied with the result of the investigation, they are entitled to request an independent external review. The request must be in writing within 10 working days of the notification of the investigation outcome. The independent external reviewer will be a subject specialist that has not been involved in the original complaint appeal or connected to the organisation or individual that is subject to the complaint. The independent external reviewer may call a panel to review the complaint and has 15 working days from notification to make a decision. The decision of the independent external reviewer is final.

## **12. Recording and Reporting Complaints**

All complaints will held be records on the internal WeST Learning Institute confidential data collection system normally for six years. Anonymised summaries of complaints will be shared with Ofqual as EQA as an event notification and in the annual Statement of Compliance. Information reported internally will include:

- Response and resolution timescales
- Complaint categories
- Resolution levels (immediate, investigation or independent panel)
- Any referral of WeST Learning Institute staff under relevant policies including the Staff Disciplinary Policy, the Malpractice and Maladministration Policy or the Code of Conduct.
- Any actions undertaken to change processes of EPA or apprenticeship

Outcomes of complaints and the actions taken in response including examples to demonstrate how complaints have helped improve services will be included in self-assessment reports and quality improvement plans.

### **13. Review**

The Learning Institute Governing Board is responsible for the annual review of this Policy.