

Complaints Policy – Apprentices

Policy and Procedure

Datalaw is committed to providing a high-quality learning experience through its programme provision and range of services. It encourages a positive environment in which informal contact and feedback from apprentices is welcomed and where constructive complaints can be dealt with effectively.

Datalaw has also established an open, fair and accessible complaints policy and procedure in order to encourage the prompt resolution of problems at the earliest stage possible. In this guide, you will find useful general information about making complaints, detailed information on the procedures themselves and a summary chart showing the different stages of the process.

The policy and procedures apply to all individuals who are applying to study or studying on Datalaw programmes, and former apprentices up to three months after leaving Datalaw.

The Complaints Officer for apprentices on all programmes is: Jayne Cater

Please ensure you read this guide, to familiarise yourself with the procedure.

Table of Contents

1. Introduction	3
2. Definitions.....	4
3. Guide to Making A Complaint.....	4
3.1 Why Should I Complain?	4
3.2 What is the Timescale for Making a Complaint?	4
3.3 Can Someone Make a Complaint on my Behalf?	4
3.4 Can I Make an Anonymous Complaint?	5
3.5 How Will the Complaint be Resolved?	5
3.6 What Support Can I Expect During the Complaints Process?	5
3.7 Who Will Respond to my Complaint?	5
4. Stages of Procedure	5
4.1 Stage 1: Informal Direct Complaint at Source	6
4.2 Stage 2: Formal Complaint to Apprentice Complaints Officer	6
4.3 Stage 3: Review	7
4.4 Complaints Adjudicator at the Education and Skills Funding Agency	7
5. Apprentice Complaints about Staff Conduct	7
6. Guidelines for Members of Staff	8

1. Introduction

Datalaw is committed to delivering a high-quality service and maintaining effective procedures, enabling apprentices to bring forward complaints where there is cause for concern. It is Datalaw's aim to settle complaints promptly, fairly and courteously in the best interests of all parties, and to address areas where improvement is needed. Datalaw is keen to ensure that the interests and well-being of all those associated with a complaint are properly safeguarded.

Datalaw aims 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 Datalaw practice improves as a result

The procedures outlined below have been established with the aim, where possible, of resolving complaints informally and through negotiation between those individuals who are immediately concerned with the issue. Datalaw recognises, however, that some complaints cannot be resolved by informal means alone and may require formal intervention. The formal procedure is therefore available to apprentices in the event that informal pursuit of a complaint proves unsatisfactory.

If a complaint is deemed by Datalaw to be of a particularly serious nature, Datalaw reserves the right to move the complaint to formal investigation at the most appropriate stage of the procedures from the outset.

Datalaw believes that an open, fair and accessible complaints policy is in everybody's interest and indeed that its existence encourages the prompt resolution of problems at the earliest stage. Datalaw is confident that the overwhelming majority of apprentices will use these procedures in a positive spirit. However, it is possible that a very small minority may misuse the procedures. In exceptional circumstances, therefore, DATALAW reserves the right to investigate complaints, and then to decline to consider any that are merely vexatious or abusive. Datalaw will provide a brief response outlining the reasons for deciding not to investigate further but will not enter into lengthy correspondence about such cases.

Details of any complaints, including outcome, will be reviewed on a quarterly basis by Datalaw's Apprenticeship Management Team. The complaint log will be analysed for evidence of continuous improvement in processes and provision and ensure that trends in failure of provision or delivery

have been identified and rectified. An anonymised summary of complaints on record and how they have been managed will also be reported annually to the Board.

2. Definitions

A 'Complaint' is defined as an expression of dissatisfaction by one or more apprentices about Datalaw's action or lack of action, or about the standard of service provided by, or on behalf of Datalaw.

An 'Appeal' is 'a request for a review of a decision taken regarding an apprentice's progression, assessment etc.

A person who makes a complaint is known as the 'Complainant'.

3. Guide to Making a Complaint

3.1 Why Should I Complain?

Apprentices are encouraged to let us know if things could be improved. If we are not aware that there is a problem, we cannot put it right. Alerting us to problems can also help other apprentices and future apprentices to get a better service. By raising a complaint where you feel there is real justification you are helping yourself, helping other apprentices and helping Datalaw.

3.2 What is the Timescale for Making a Complaint?

The complaint must be raised informally (Stage 1) within 4 weeks of the cause for complaint. If the complaint is not resolved at Stage 1, the complainant must raise the complaint to Stage 2 within 4 weeks of receipt of the outcome of Stage 1.

If the complaint is not resolved to the complainant's satisfaction at Stage 2, the complainant must raise the complaint to Stage 3 within 4 weeks of the outcome of Stage 2.

If the complainant at the end of Datalaw's process is still not satisfied they may wish to raise the complaint to the Complaints Adjudicator at the Education and Skills Funding Agency (ESFA).

3.3 Can Someone Make a Complaint on my Behalf?

An apprentice should submit their own complaint. In exceptional circumstances, a complaint may be submitted on behalf of an apprentice by a third party who has a personal connection with the

apprentice. Such a complaint must include signed written authorisation by the apprentice. In dealing with the complaint, Datalaw may still wish to have direct contact with the apprentice during the investigation process.

3.4 Can I Make an Anonymous Complaint?

Only in exceptional circumstances can an anonymous complaint be made, and there must be exceptional reasons why the complaint has to be anonymous. These should be discussed with the Complaints Officer in the first instance.

3.5 How Will the Complaint be Resolved?

When making any sort of complaint, it is always worth the complainant thinking about how the complaint can be resolved and what Datalaw can do to address the problem. This can help the complainant when formulating the complaint and makes it clear to the person addressing the complaint what outcome is desired. Datalaw will ensure, as far as is reasonably practicable, that where a complaint is upheld, appropriate remedial action is taken.

3.6 What Support Can I Expect During the Complaints Process?

The Complaints Officer is there to provide advice and guidance throughout the complaints process. The Complaints Officer can help determine whether your case is best dealt with as an appeal, complaint or complaint about staff conduct, and will also guide you through the various stages of the complaints process.

3.7 Who will respond to my complaint?

The respondent to your complaint will depend on which stage of the complaints process you are at. At the informal stages, the respondent will be the person you have addressed the complaint to, such as a member of the Apprenticeship Management Team. Complaints at stage 2 are submitted to the Complaints Officer, who will request that your complaint is investigated and responded to by the appropriate senior member of staff. Complaints at stage 3 will be responded to in writing by the Complaints Officer, following review by the Commercial Director.

4. Stages of Procedure

If an apprentice wishes to make a complaint, the steps that should be taken are detailed below:

4.1 Stage 1: Informal Direct Complaint at Source

Where possible, complaints should be raised immediately with the relevant member of the Apprenticeship Management Team at the source of the complaint. The aim is to resolve the problem directly and informally at the earliest opportunity. An initial acknowledgement should be sent to the apprentice within two working days. 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 apprentice and provide a copy of the outcome to the Complaints Officer. The outcome should be provided within 4 weeks of receipt of the informal complaint. The Complaints Officer will record all Stage 1 complaints, so trends can be identified and acted on to improve Datalaw's service.

If a complainant is not satisfied with the response to the complaint, the complainant should make a formal complaint.

4.2 Stage 2: Formal Complaint to Apprentice Complaints Officer

Formal complaints to the Complaints Officer should be submitted in writing to Datalaw by email to the Complaint Officer (accounts@datalaw.org) who will log the complaint on the Customer Relationship Management (CRM) system. The email should be titled as a complaint and set out the details of the complaint in full, including any relevant evidence to support the complaint, and what would be an appropriate resolution. All evidence received will be confidential, and only those who need to review the evidence as part of the complaints process will have access to the information.

The Complaints Officer will acknowledge the complaint within 2 working days of its receipt. After a brief investigation into the problem, the complainant will be contacted again to be advised of the timescale of the inquiry into the complaint. The Complaints Officer will allocate the complaint to an 'Investigating Officer' who has not been previously involved with the complaint. The 'Investigating Officer' will be a member of the Apprenticeship Management Team.

The Investigating Officer will review all papers submitted and meet with relevant members of staff to review the complaint. The Investigating Officer will also speak with the complainant to clarify facts where required.

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 complainant is not satisfied with the action taken at this level, he/she may choose to proceed to Stage 3 of the procedure. If the complainant wishes to proceed to Stage 3 this must notify Datalaw within 4 weeks of receiving the outcome of Stage 2.

4.3 Stage 3: Review

The complainant should write to the Complaints Officer, and request for the case to be referred for Review. Stage 3 is undertaken by the Commercial Director. The purpose of the review is to ensure that the correct procedure has been followed by Datalaw, and the outcome is reasonable. The Commercial Director will not re-investigate the complaint unless new evidence has been presented.

The Complaints Officer will issue a response within 4 weeks of receipt of the request by the complainant for a review. This is the final stage of the complaints process for complainants studying on a Datalaw programme.

4.4 Complaints Adjudicator at the Education and Skills Funding Agency (ESFA)

If on completion of Datalaw's complaints process the complainant is still not satisfied that the complaint has been dealt with in an appropriate manner they may contact the Complaints Adjudicator at the Education and Skills Funding Agency (ESFA) using the details below:

Email: nationalhelpdesk@apprenticeships.gov.uk

Phone: 0800 015 0400 or 0247 682 6482

This is your final point of recourse, and the decision of Complaints Adjudicator is final.

5. Apprentice Complaints about Staff Conduct

This section sets out the process if the complaint is about the conduct of a member of Datalaw staff:

Complaints about Datalaw staff will be dealt with formally and investigated by the Complaints Officer in accordance with the staff Datalaw Disciplinary Procedure. The Complaints Officer will acknowledge receipt of the complaint within 5 working days and will provide an indication of how long it might be before an outcome of the investigation will be known.

The nature of employment-related investigations is such that whilst they can be short, they are often complex and sometimes lengthy, and Datalaw is required to adhere to employment legislation and statutory guidance throughout the process. Datalaw will aim to respond to the complainant as soon as reasonably possible.

Due to the confidential nature of employment investigations, Datalaw may not be able to disclose the findings of the investigation, nor confirm what action has, may or may not be taken as a result of the outcome of the investigation; this includes whether Datalaw will deal with the complaint on an informal or formal basis with the member of staff. It will, however, aim to respond to the complainant in writing within 20 working days of receipt of the complaint, to advise of Datalaw's position.

6. Guidelines for Members of Staff

Datalaw has established open, fair and accessible complaints procedures in order to encourage the prompt resolution of problems at the earliest possible stage:

- All members of staff must encourage a positive environment where contact with, and feedback from, apprentices is welcomed, and constructive complaints can be dealt with effectively
- All members of staff must have a good working knowledge of these complaints procedures and their underlying principles. Datalaw will notify staff of where this policy can be accessed and will advise of any updates
- Where possible, complaints should be dealt with as near to source as possible, in a timely manner and progressed to the next stage of the complaints procedures as appropriate
- Clear written records of the various stages of the complaints process must be confidentially maintained on the apprentice file, in accordance with Data Protection guidance, and with a note of decisions and actions taken (with dates) and a record of outcomes. The only exception to this is where the complaint relates to the conduct of a member of Datalaw staff and any investigation related documents/notice of action taken will be retained by Personnel and if required, retained on staff files.
- The Complaints Officer must ensure that any members of staff involved in an apprentice complaint are kept informed of the outcome of each stage of the process and of how the matter has been resolved.
- Members of staff involved in handling the various stages of complaints are obliged to ensure that the complainant is not disadvantaged either in manner of treatment or in discrimination in academic assessment as a result of raising the complaint.
- The confidentiality of both the complainant and the subject of any complaint must be respected.