

Policy Title:

Employer and subcontractor complaints policy and process

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<b>Approved by:</b>		<b>Committee\individual: Higher and Degree Apprenticeship Steering Group</b>	
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<b>Directorate/Team:</b>		<b>Directorate/Team:</b>	
		<b>Directorate of Education and Employer Partnerships</b>	
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	To update references to rules and internal staff job titles	1/12/17	HDA Steering Group

## Policy Statement

Sheffield Hallam University is committed to providing high quality education and services to all its learners and client organisations. We aim to be responsive to concerns when they are raised. Employers of higher and degree apprentices and subcontractors that work with us to deliver apprenticeship provision are important stakeholders in enabling the University to provide high quality higher and degree apprenticeships and we welcome their feedback and cooperation to resolve issues for the benefit of apprentices.

## Objectives

The desired objectives of the policy are:

- to resolve concerns at the earliest opportunity
- to ensure that the decision-making processes for complaints and disputes are fair and transparent to the complainant, and
- to give all parties a clear procedure for escalating concerns that cannot be resolved at the level where they arise.

## Purpose

As a lead Higher Education Institution (HEI) provider for higher and degree apprenticeships, Sheffield Hallam University is responsible for resolving issues and disputes with and between employers and, where relevant, other providers, including sub-contractors, who work with us to deliver apprenticeships.

The Education and Skills Funding Agency (ESFA) requires lead HEI providers to provide employers with a written complaints and dispute resolution policy and process. This policy addresses that requirement by setting out the framework for employers to raise and resolve complaints and disputes.

Action taken as a result of complaints will help the University to improve the quality of education that it provides for apprenticeships.

## Scope

This process can be used for all complaints that employers wish to raise with the University or one of our subcontractors in relation to higher and degree apprentice provision. Apprentice complaints are outside the scope of this policy. Where an apprentice is dissatisfied with any aspect of their apprenticeship they should refer to their apprentice agreement and raise relevant matters with the University via the [Student Complaints Policy and Procedure](#). Subcontractors may use the process provided in their agreement.

## Policy Details

### Complaints and dispute resolution procedure

- 1 In the event that any dispute arises between the University and the employer, or between 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 Head of Employer Solutions at  
  
Telephone +44 (0)114 225 3433  
Email: [apprenticeships@shu.ac.uk](mailto:apprenticeships@shu.ac.uk)
2. If the dispute continues for a period of five working days, either party may formally refer the dispute in writing to the authorised officer or lead contact nominated for their organisation. The authorised officer for the University is the Director of Education and Employer Partnerships.
3. If the dispute is between a sub-contractor and employer, then the lead contact for the employer should formally refer the dispute in writing to the authorised officer of the subcontractor in a written referral that is copied via email to the Director of Education and Employer Partnerships on behalf of the University.
4. Whether the dispute relates to a sub-contract or not, the referral notice must include:
  - the name and job title of the authorised officer to whom the referral is being made
  - sufficient details of the nature of the dispute or complaint
  - copies of any supporting documents
  - what steps have already been taken to resolve the dispute or complaint
  - what outcome(s) the referrer would like to address the complaint or resolve the dispute
  - whether there are any special circumstances which need to be taken into account, including any reasonable adjustments which any party wishes to make to the complaints-handling process to ensure it is accessible and fair to those involved.
5. The authorised officer and employer contact shall discuss the dispute within five working days of the date of referral and attempt to resolve the dispute, or agree the next steps for working out a solution.
6. If no resolution can be reached, either of the authorised officers may refer the matter to the relevant Faculty Pro-Vice Chancellor on behalf of the University and an alternative representative of the employer, or sub-contractor, who shall seek to resolve the dispute within ten [10] Working Days thereafter.
7. Where the dispute is between an employer and a sub-contractor and the authorised officer and employer lead contact cannot resolve the matter then the relevant Faculty Pro-Vice Chancellor on behalf of the University will adjudicate at their sole discretion.
8. Where the dispute is between the University and an employer and the parties cannot reach a satisfactory resolution within thirty days working days after commencing

discussions, either party may refer the matter to mediation in accordance with the model procedure of the Centre for Dispute Resolution, London ("CEDR"), such mediation to be completed within thirty working days of signature of the CEDR Mediation Agreement

## **Roles and Responsibilities**

Relevant roles on behalf of the University are:

- (i) Head of Employer Solutions is the initial point of contact for employers or subcontractors to raise issues and seek early resolution.
- (ii) Director of Education and Employer Partnerships is the operational policy owner responsible for monitoring implementation of the policy, advising Authorised Officers on individual complaints and disputes.
- (iii) Director of External Affairs and Student Recruitment is the Executive Policy Owner with responsibility for keeping under review the effectiveness of the policy.
- (iv) Authorised Officer for the University, a senior member of staff of the University nominated in the apprentice agreement as being responsible for signing off changes to the agreement and senior level resolution of disputes.

The authorised officer for the subcontractor is a person nominated by the subcontractor in the agreement with sufficient seniority to act for the subcontractor in negotiations with the University, and with sufficient authority to resolve disputes on behalf of the subcontractor.

The Lead Contact for the Employer is the person nominated by the Employer in the apprentice agreement as responsible for oversight of the apprenticeship arrangements.

## **Definitions and Abbreviations**

Abbreviations used in this policy are:

- "CEDR" means the Centre for Dispute Resolution London
- "DEEP" means the University Directorate of Education and Employer Partnerships
- "HEI" means Higher Education Institution
- "ESFA" means Education and Skills Funding Agency

## Associate Documents

The Complaints Policy and Process has been drafted with reference to:

- Apprenticeship funding and performance-management rules for training providers, May 2017 to March 2019
- Skills Funding Agency Procedure for dealing with complaints about providers of education and training, October 2015.

## References

No References

This policy is subject to bi-annual review, or as necessary to reflect changes to the ESFA rules, such review to be approved by the Higher and Degree Apprenticeship Steering Group to ensure it continues to meet the University's needs and the requirement of the Funding Agency regulations and contract.