

Workplace Issues Complaints Policy

For students, apprentices and employers

1. Introduction and scope

This policy sets out the process for students, apprentices and their employers or host organisations to make a complaint about a matter connected to a workplace element of a Walbrook programme, for example an apprenticeship, placement or internship. It replaces the former Complaints Policy and Procedure for Apprentices and their Employers, and broadens its scope to any student undertaking a workplace-based element of their programme, not apprentices alone.

This policy does not cover a complaint about the general quality of Walbrook's service that has no workplace element, which is covered by the Complaints Policy, or a request for review of a decision about your progression, assessment or award, which is covered by the Appeals Policy. Where an apprentice's end-point assessment is delivered by an independent End-Point Assessment Organisation (EPAO), a complaint about that assessment is made under the EPAO's own procedure.

Walbrook is committed to delivering a high-quality service and takes complaints from students, apprentices and employers seriously. It aims to settle complaints promptly, fairly and courteously in the best interests of all parties, and to address areas where improvement is needed, while safeguarding the interests and wellbeing of everyone associated with a complaint.

Through this policy, Walbrook ensures that:

- complaints are treated fairly, consistently, transparently and in a timely manner;
- matters of concern can be raised without risk of disadvantage, and any matter that may be considered in line with the principles of whistleblowing receives the same protections available to whistleblowers;
- where a complaint reveals a failure on Walbrook's part, appropriate action is taken to rectify this for the complainant and to identify anyone else who may have been affected;
- aspects of Walbrook's service are reviewed in the light of complaints received; and
- duties of confidentiality to third parties, and other legal duties, are maintained in responding to complaints.

Complaints under this policy are logged centrally so that oversight of emerging trends can be maintained by the Complaints and Appeals Panel (CAP).

2. Definitions

2.1 Informal complaint

An informal complaint is an issue that a student, apprentice or employer wishes to raise with a member of staff without using the formal complaints process. Informal complaints are usually quick to resolve and unlikely to require an in-depth investigation.

2.2 Formal complaint

A formal complaint is the expression of a specific concern about matters that affect the quality of a student's or apprentice's workplace learning opportunities, Walbrook's action or lack of action in connection with that workplace element, or the standard of service provided by, or on behalf of, Walbrook in that context.

2.3 Complaints about progression, assessment or awards

Where a complaint concerns a request for review of a decision taken by an individual or academic body responsible for decisions about progression, assessment or awards, this is dealt with through the Appeals Policy, and not through this policy.

3. Making a complaint

3.1 Stage 1: informal complaint

A complaint should be made as soon as possible, ideally within ten working days of the incident occurring. Walbrook reserves the right to dismiss a complaint made more than three months after the incident, or that should reasonably have been raised earlier. This provides the best opportunity for those involved to resolve the complaint quickly.

A complaint should be raised with the Apprenticeship Programmes Manager at Walbrook or, for students and apprentices, with your workplace line manager or workplace Programme Manager, who will liaise with Walbrook if appropriate to help resolve it. The aim is to resolve the problem directly and informally at the earliest opportunity.

Once a complaint is raised with Walbrook, you should receive an acknowledgement within five working days. Walbrook will deal with all complaints as promptly as possible and within clearly defined timescales; where these cannot be met, you will be informed of the progress of your complaint.

Although Stage 1 is informal, the member of staff involved should provide a written outcome to you and copy in the Apprenticeship Programmes Manager.

If, as an employer, you remain dissatisfied with the outcome of an informal complaint, Walbrook will arrange for a representative from your organisation, the Apprenticeship Programmes Manager, and a senior member of Walbrook staff independent of the original complaint, to review the complaint together; if you remain dissatisfied following these discussions, mediation may be agreed as set out under Stage 4 below.

If, as a student or apprentice, you remain dissatisfied with the outcome of an informal complaint, you may progress to Stage 2.

3.2 Stage 2: formal complaint

If a complaint cannot be resolved informally, it should be escalated in writing to apprenticeships@walbrook.ac.uk, copying in the Apprenticeship Programmes Manager, with the email titled 'Complaint'.

The complaints team will provide a complaints form, setting out the details of the complaint in full, including any supporting evidence, what action has already been taken to attempt an informal resolution, and the resolution sought. If you are unable to submit a complaint in writing due to a reasonable adjustment, the Apprenticeship Programmes Manager will help you to submit it.

You will receive confirmation of your formal complaint within five working days. A designated complaints officer will contact you to discuss what action has already been taken and whether anything further can be done to resolve the complaint at this stage. If not, and you wish to continue, the complaints officer will assist in compiling your case for CAP.

3.3 Stage 3: escalation to the Complaints and Appeals Panel

The Complaints and Appeals Panel (CAP) hears workplace-related complaints under this policy on the same basis as the complaints and appeals covered by the Complaints Policy and the Appeals Policy; its composition is set out in those policies. Walbrook will consider whether an employer representative should be invited to attend where a case concerns an employer, given CAP's composition is designed primarily around student cases.

The complaint will be raised at the next available CAP meeting, normally held every 20 days; where this timeframe cannot be met, the designated complaints officer will keep you informed of the revised timescale.

You may request to attend the CAP meeting and present your case directly; if you do not attend, your written case will be reviewed by CAP in your absence. The standard of proof applied by CAP is the balance of probabilities.

You will not receive an outcome at the CAP meeting itself, but a formal complaint outcome letter will be sent within ten working days of your case being heard. Where CAP accepts a complaint but is not itself able to propose a resolution, it will refer the matter to the department best placed to resolve it, and you will receive written confirmation of CAP's decision and any action to be taken, including timescales, within ten working days of the case being heard.

If you remain dissatisfied with the outcome of your complaint following this internal process, you may request a completion of procedures letter, which can be used to support escalation of your complaint externally, as set out below.

4. Stage 4: external referral and dispute resolution

4.1 Students and apprentices

As a higher education institution, the Office of the Independent Adjudicator (OIA) is the external body that will investigate a complaint escalated externally, where you remain dissatisfied following Walbrook's internal review. The requirements for the OIA to review a case, and its complaints process, are published at www.oiahe.org.uk.

As the regulator for apprenticeships, the Education and Skills Funding Agency (ESFA) can be contacted via the Apprenticeship Service Support helpline or by emailing helpdesk@manage-apprenticeships.service.gov.uk. If you are unsure who to escalate your case to, speak to the Head of Apprenticeships. You have a maximum of 12 months from the date of your completion of procedures letter to escalate your case to either the OIA or the ESFA.

4.2 Employers

The dispute resolution process below applies where Walbrook has a contract with the employer or placement provider that includes dispute resolution provisions, as is normally the case for apprenticeship employers. Where a student has arranged an internship or placement with an organisation that has no such contract with Walbrook, Walbrook will

resolve the matter informally so far as possible, using Stages 1 to 3 above, but cannot compel the organisation to take part in a formal process it has not agreed to.

Following completion of this policy, where a complaint remains unresolved, the dispute resolution requirements of the contract between Walbrook and the employer should be referred to. Unless varied by that contract, dispute resolution will normally follow the process and timescales below.

Where the parties are unable to resolve a dispute through good faith discussions between their respective representatives, either party may serve written notice on the other stating the nature of the dispute (a dispute notice). After service of the dispute notice, the following procedure will be followed:

- within five days, Walbrook's representative and the employer's representative will meet to attempt to settle the dispute, each acting in good faith;
- if a settlement is not reached within 21 days of service of the dispute notice, the senior management of each party will meet within the following 14 days to attempt to settle the dispute; and
- if no settlement results within the following 56 days, the parties will attempt to settle the dispute by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) model mediation procedure. The cost of mediation will be shared equally between Walbrook and the employer, if applicable.

Where an employer remains dissatisfied with the outcome of a complaint, it can be escalated, in certain circumstances, to the ESFA, whose current contact details are published on GOV.UK. If all steps of this process have been followed and no resolution is found, the parties may agree that the courts of England and Wales have exclusive jurisdiction to settle a dispute arising in relation to the apprenticeship programme.

5. Reporting and review

The number and nature of workplace-related complaints will be recorded and reported annually to the Learning, Teaching and Quality Committee and the Professional Education and Skills Board. This report will consider immediate actions taken to improve the workplace learning experience, and whether further action is required.

6. Document Governance

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