



Essex Partnership University
NHS Foundation Trust

EPUT EDUCATION CENTRE COMPLAINTS POLICY

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POLICY SUMMARY

The purpose of this policy document is to ensure that Apprenticeship related complaints are managed by the EPUT Education Centre in an efficient manner, that is open, accessible, fair, flexible, conciliatory and without blame. This is in reference to the Ofsted Education Inspection Framework (2022) the NHS Constitution (2009) and ESFA Apprenticeship guidelines (2022). <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

EPUT Education Centre is committed to excellent service and endeavours to ensure that requirements are met for all its Apprentices, parent/ guardians of Apprentices and employers.

We welcome feedback from Apprentices because it is by listening to Apprentices' views that we can monitor the service we are providing and ensure that we continue to provide Apprentices with the high level of service that they expect. This also enables us to improve the quality of Apprenticeship programmes.

On occasion an Apprentice may feel dissatisfied with some aspect of their dealings with us, and, when that happens, it is important that the issue is dealt with constructively and as quickly as possible 'without risk or disadvantage or recrimination'. Each case will be considered on its own merit and in accordance with the evidence and circumstances presented.

The Office of the Independent Adjudicator (OIA) define a complaint as:

"An expression of dissatisfaction by one or more Apprentices about a provider's action or lack of action, or about the standard of service provided by or on behalf of the provider"

Examples of complaints include:

- Failure by the EPUT Education Centre to meet its obligations
- Misleading or incorrect information provided by EPUT Education Centre
- Concerns about the delivery of the programme, teaching or administration
- Poor learning resources provided directly by the EPUT Education Centre.

The policy is closely linked with our Equality Diversity and Inclusion policy to ensure that all processes regarding complaints adhere to Equality Act (2010) and Human Rights Act (1998)

Where additional support has been identified this policy is used in conjunction with the EPUT SEND policy to support an inclusive approach to complaints.



SEND POLICY July
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The EPUT Education Centre monitors the implementation of and compliance with this policy in the following ways;

EPUT Education Board monitor compliance of this and all policies within the EPUT Education Centre and this policy is in addition to EPUT Trust wide organisational complaints policy.

<https://input.eput.nhs.uk/DocumentCentre/Policies/Corporate%20Policies/CP02%20-%20Complaints%20Policy/CP2%20-%20Complaints%20Policy.pdf#search=complaints%20policy>

The EPUT Education Centre will provide the Education Board with:

- Reports from Bi monthly Apprenticeship meetings identifying complaints situation report highlighting open complaints and completion dates.
- Identify any areas of concern
- Quarterly Thematic Reports providing trends analysis and highlighting any trends/themes.
- Quarterly lessons learned update.

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SCOPE

Services	Applicable	Comments
EPUT Education Centre	√	
Apprentices on programme	√	
Partnership Agencies	√	

The Director responsible for monitoring and reviewing this policy is Executive Director of People and Culture

COMPLAINTS POLICY

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COMPLAINTS POLICY

1.0 INTRODUCTION

- 1.1 This policy should be read in conjunction with the Apprenticeship Handbooks which outline complaints procedures and is supported by the EPUT overarching Complaints policy (CP2)
<https://input.eput.nhs.uk/DocumentCentre/Policies/Corporate%20Policies/CP02%20-%20Complaints%20Policy/CP2%20-%20Complaints%20Policy.pdf#search=complaints%20policy>
- 1.2 There is a statutory Duty of Candour to be open and honest within the Education Centre and Apprentices and this relates closely to the organisation strategic objectives. [Briefing Note - Duty of Candour.pdf \(eput.nhs.uk\)](#)
Duty of candour - GOV.UK (www.gov.uk)
About us | Essex Partnership EPUT Education Centre NHS Trust (eput.nhs.uk) - strategic objectives [Our purpose vision values and strategic objectives \(1\).png \(8001x4500\) \(eput.nhs.uk\)](#)
- 1.3 The aim of the EPUT Education Centre Complaints Policy is to encourage open communication relevant parties to resolve the complaint satisfactorily. The EPUT Education Centre approach will be non-discriminatory and to seek conciliation.
- 1.4 **Principles of the policy**

This policy will:

- Be fair and impartial
 - Be transparent and easy to access
 - Be flexible and timely, ensuring that concerns and complaints are dealt with as quickly as possible.
 - Clearly communicate processes, decision and the reasons behind decisions.
 - Ensure that decisions are taken without actual or perceived conflicts of interest.
 - Ensure an appropriate level of confidentiality
 - Include support for Apprentices
 - Use the information gathered to improve services for Apprentices and the apprentice experience
 - Expect all involved to behave appropriately and not allow our procedures to be misused.
- 1.5 The EPUT Education Centre aims to resolve complaints effectively by responding more personally and positively to individuals who are unhappy; and ensure that opportunities for the service to learn and improve are not lost.
- 1.6 Apprentices are encouraged to raise a concern or complaint as soon as possible after the event has taken place, and normally no later than 1 month from the date the initial issue or event occurred, to enable the matter to be addressed in a timely manner.

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- 1.7 The EPUT Education Centre is committed to resolving complaints as speedily as a proportionate intervention requires. The timescale for each complaint response will be agreed with the complainant and with reference to the associated Apprentice Handbook guidelines



2023 Apprentice Handbook (HND).doc

- 1.8 Complainants may expect concerns and complaints to be dealt with confidentially and that their privacy will be respected. However, any person who is the subject of a concern or a complaint will be advised, and an appropriately redacted copy of the concern or complaint and any associated evidence will normally be copied to them, in order that they are given the opportunity to respond. It may also be necessary to disclose information to others in order to deal with the concern or complaint and, in these circumstances, the parties concerned will be informed of such a disclosure. An appropriately redacted copy of the investigator's report may be provided to the person who is the subject of a concern or complaint.
- 1.9 The EPUT Education Centre will learn lessons from all complaints activity and will ensure any identified learning is recorded, monitored and shared throughout the EPUT Education Centre to improve programme delivery. Lessons learned will be sent to the Education Board quarterly asking for written feedback and oversight of the process and resolution.

2.0 PRINCIPLES THAT UNDERPIN THIS POLICY

- 2.1 This Policy will ensure that individuals making complaints are treated with respect and are not penalised for making a complaint or raising a concern. A number of processes are in place to help ensure this principle is adhered to:
- The EPUT Education Centre promotes an open culture with all apprentices
 - All staff are encouraged to learn from complaints and not assign blame
 - Complaint records are kept separately from the E-portfolio system
 - If a member of staff was found to have penalised an apprentice for making a complaint / raising a concern this would be escalated to the Education Board and the EPUT Education Centre's conduct process will be initiated where appropriate

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- Clearly communicate processes, decision and the reasons behind decisions.
- Ensure that decisions are taken without actual or perceived conflicts of interest.
- Ensure an appropriate level of confidentiality
- Include support for Apprentices

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- Use the information gathered to improve services for Apprentices and the apprentice experience
 - Expect all involved to behave appropriately and not allow our procedures to be misused
- 2.2 All complaints made will be taken as true at face value with an investigation from the EPUT Education Centre that is full and fair. Individuals will be given clear and specific reasons for any decision taken on their complaint (based on the evidence), and that those decisions address all of the concerns raised by the complainant.
- 2.3 Allegations made anonymously will be reviewed, but outside of the complaints process. Where a concern or complaint has been raised against a member of staff and has been upheld, the apprentice will be advised of this. However, specific details affecting individual staff members will not normally be shared, particularly where disciplinary action is subsequently taken
- 2.4 The EPUT Education Centre will be clear in all its communications, using plain English and avoiding jargon throughout and implementing other appropriate means of communication as needed. This will ensure that there is inclusivity in the process.

3.0 RAISING A COMPLAINT

- 3.1 A complaint is an oral or written expression of dissatisfaction about any matter reasonably connected with services supplied by this EPUT Education Centre. The Education Centre would encourage apprentices or employers to raise any issues or concerns relating to programme delivery or services provided by EPUT Education Centre with the Tutor or Education Facilitator Lead / Lead Quality Assuror. A complaint which is made either orally or in writing to a member of staff and is resolved to the complainant's satisfaction not later than 2 working days will be recorded as a local resolution. It is the responsibility of all staff to try to resolve an issue as it arises and to record on a local resolution template. This is then stored appropriately.
- 3.2 The EPUT Education Centre would always strive to address any concerns appropriately to ensure a positive outcome however it is recognised that, in a small number of cases, it may be necessary to escalate matters using the formal complaints procedure as identified in the Apprentice Handbook or by direct referral to the Education Board.
- 3.3 In the case of verbal complaints, notes of main points will be made and the complainant will be asked to confirm the accuracy of the notes before an investigation commences. A request may be made for an appropriate email contact address to ensure that an effective and swift line of communication is established. Details of the complaint will be retained for 5 years. Where personal information is provided, this will be retained in accordance with General Data Protection Regulation 'GDPR'. <https://www.gov.uk/data-protection>
- 3.4 EPUT Education Centre recognises that making a complaint can be stressful. Apprentices are therefore advised to seek advice and support before making a

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complaint from their practice supervisor or Freedom to Speak up guardian who can arrange mediation and offer additional support and guidance. f2su.eput@nhs.net

- 3.5 If the Apprentice feels unable to disclose the complaint directly this be done by using the Whistleblowing policy and procedure.
[CP53 - Freedom to Speak Up \(Whistleblowing\) Policy.pdf \(eput.nhs.uk\)](#)
[CPG53 - Freedom to Speak Up \(Whistleblowing\) Procedure.pdf \(eput.nhs.uk\)](#)
- 3.6 All concerns or complaints should be submitted as soon as possible after the events or actions which have prompted them, and usually within the timeframes outlined in these procedures. Apprentices should be prepared to provide evidence to support their concerns or complaint and where required, Apprentices should use the relevant complaint form available in the Apprenticeship Handbook on the E-portfolio resources platform. <https://app-2.ecordia.co.uk/app/LearningResource/>
- 3.7 If a concern or complaint is made directly to the Education Board or to the awarding body it may be passed to the Quality Lead who will ensure that it is referred to the most appropriate person to be investigated.

4.0 COMPLAINTS HANDLING PROCEDURE

☞ **The three stage complaints procedure is as follows:**

Stage 1 - Informal Complaint

- It is expected that most complaints can be resolved at an early stage by discussing the matter informally at a local level. An apprentice should therefore bring the matter to the attention of an appropriate member of staff such as their Tutor, who will aim to resolve the matter by informal discussion. For example, if the complaint concerns academic matters, an apprentice might wish to take this up with their Personal Tutor, or with another member of the EPUT Education Centre.
- Recipients of informal apprentice complaints are responsible for addressing them promptly and fairly following the local resolution process. The recipient will normally let the apprentice know (or arrange for a colleague to do so) within two working days of receiving the initial complaint what steps (if any) will be taken to address the complaint and the expected timescale, and advise to whom they should submit a formal complaint if they are dissatisfied with this outcome.
- It should be noted that this stage will normally be an informal oral process (or via email if face to face or online contact is not possible), but where proportionate to do so any agreed action should be confirmed (normally by email).

Stage 2 – Formal Complaint

- If an apprentice has attempted to resolve matters informally but is not satisfied with the outcome, they may elect to proceed to the next stage by submitting a formal complaint within fourteen calendar days of receiving the outcome of their informal complaint. An apprentice may also submit a formal complaint if the issue involved is too complex or serious for informal resolution. At this point, apprentices may wish to seek advice from their

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supervisor or Freedom to Speak up guardian on how best to progress their complaint. The apprentice should submit their complaint by means of an Apprentice Complaint Form to the appropriate email as identified by their Tutor.

- The apprentice should keep a copy of their complaint and any other documentation submitted for their own records.
- The apprentice should receive an acknowledgement of receipt of their complaint, within five working days of receipt.
- The appointed investigating officer will contact the apprentice to set up a meeting within 5 working days from receipt of the initial complaint.
- At this meeting the apprentice will have the right to be accompanied by their manager or practice supervisor.
- If an apprentice fails to attend the meeting (which could be online), the Department will contact them to reschedule. If an apprentice fails to attend a rescheduled meeting within fourteen days of the original meeting date, the investigation may continue and be concluded in their absence.
- The meeting will follow this format:
 - The apprentice will be asked to explain their complaint and present any supporting evidence, with the assistance of their representative as necessary, following which they may be asked questions by the investigating officer).
- The staff member who carried out the investigation will produce a report which outlines the process followed, the information gathered, the conclusions drawn and any recommendations. The apprentice should receive copies of the information considered and a copy of the investigation report.
- The apprentice should receive this written response within 60 calendar days following both a submission of an apprentice complaint form and confirmation by the complainant that they wish a formal investigation to begin. If this is not possible, the apprentice will be informed in writing of the progress being made towards the consideration of their complaint and given a timescale for completion.
- If the complaint is considered justified, the apprentice will be informed of the action taken to resolve or redress the complaint. If the complaint is not upheld, then the apprentice will receive an explanation of the reason for this decision.

Stage 3 - Review by the Education Board

- If the apprentice is not satisfied with the decision taken in respect of their complaint under Stage 2 above, they may request that a review of the case be carried out by the Director of Education or the EPUT Education Board. Such a request should be by submitting a Request for Review form to the appropriate email as directed. The request should state the grounds for review, which should meet one of the following criteria:
 - That there was procedural error in the conduct of the investigation of such a nature as to cause doubt as to the determination reached
 - That new evidence has been made available which the apprentice could not reasonably have provided during the investigatory process;
 - That there was bias during the procedure of such a nature as to cause doubt as to the determination reached.
- If the Director of Education or the EPUT Education Board are satisfied that a review is justified, they will have discretion to either:
 - Make a judgement on the complaint based on the written evidence; or

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- Establish a Review Panel to examine the evidence and come to a judgement on the complaint. The Review Panel will normally comprise one lay member of Education Board and two members of staff chosen by the Director of Education. All members of the Review Panel will have had no previous association with the case.
- When undertaking a review, the Review Panel has the power to overturn any decision made under Stage 2 of this procedure.
- If a Review Panel is established, the apprentice will have the right to attend a meeting to explain their complaint and be accompanied at this meeting by their manager as will any other parties to the complaint.
- Apprentices will be notified of this meeting in writing, and this notification will include:
 - The date of the meeting and an explanation of what the apprentice needs to do if they cannot attend on that date, or does not wish to attend
 - The names of the panel members and their job titles
 - The names of anyone else attending the meeting and what their role will be
 - An outline of how the meeting will proceed copies of relevant documents
 - Meetings of the Review Panel will follow this format:
 - The Apprentice will be asked to explain their complaint and present any supporting evidence, following which they may be asked questions by the Panel, and by any other parties to the complaint;
 - The other parties to the complaint will then respond to the complaint, following which they may also be asked questions by the Panel and the complainant.
 - Both parties will be asked to sum up, following which the Review Panel will come to a judgement on the complaint.
- If the Director of Education makes a judgement on the complaint based on the evidence already in his/her possession, or if a Review Panel is convened, the apprentice will be notified of the outcome in writing normally within 14 calendar days of submitting a request for review. If the complaint is upheld the apprentice will be informed of any action to be taken to resolve the matter. If the complaint is not upheld, the apprentice will be informed of the reason for this decision, and the EPUT Education Centre will also issue a Completion of Procedures letter to the apprentice stating that the EPUT Education Centre internal complaints procedures have been exhausted.
- If the apprentice does not submit a request for review within the 14-day timeframe, they will be issued with a Completion of Procedures letter within 28 days.

Office of the Independent Adjudicator for Higher Education (OIA)

If the EPUT Education Centre's internal procedure has not resulted in the resolution of a complaint to the apprentice's satisfaction, they have the option to pursue it with the Office of the Independent Adjudicator for Higher Education (OIA). Where a case is considered eligible, the OIA will provide independent adjudication on the resolution of complaints, once the institution's internal procedures have been exhausted. The OIA website can be found at: <http://www.oiahe.org.uk> .

5.0 SCOPE

5.1 This policy and associated procedures are intended for use by all those on an education programme with EPUT Education Centre, partner organisations, staff within the Education Centre team. It applies to all training sites to ensure that all staff and apprentices are aware of and can apply best practice when dealing with complaints.

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- 5.2 The EPUT Education Centre defines an apprentice complaint as an expression of dissatisfaction levelled by an apprentice. For the purpose of this procedure an apprentice is defined as an applicant who has been accepted to study at the EPUT Education Centre and enrolled with ESFA apprenticeship service.
- 5.3 Examples of what can be complained about under this policy include the following:
- Information provided by EPUT Education Centre
 - Teaching or supervision
 - Facilities or resources
 - Services provided by the EPUT Education Centre
- 5.4 Issues covered by other specific procedures will not be dealt with under this policy. For example:
- Academic Appeals and Reviews, the procedures for which can be found within the Handbook.
- 5.5 Complaints about any form of discrimination, bullying, harassment or victimisation will be dealt with as follows:
- Informal complaints made about the behaviour of an apprentice will be managed under the Dignity and Respect and Grievance Policy <https://input.eput.nhs.uk/DocumentCentre/Policies/Corporate%20Policies/CP02%20-%20Complaints%20Policy/CP2%20-%20Complaints%20Policy.pdf#search=complaints%20policy>
 - Formal complaints made about the behaviour of an apprentice will be managed under the EPUT Education Centre Apprentice Code of Conduct as identified in apprentice handbook.
 - Formal complaints made about the behaviour of a member of staff will be managed under the Disciplinary Policy HR27a [https://input.eput.nhs.uk/DocumentCentre/Policies/HR%20Policies/HR27A%20-%20Disciplinary%20Policy/HR27A%20-%20Disciplinary%20\(Conduct\)%20Policy.pdf#search=disciplinary](https://input.eput.nhs.uk/DocumentCentre/Policies/HR%20Policies/HR27A%20-%20Disciplinary%20Policy/HR27A%20-%20Disciplinary%20(Conduct)%20Policy.pdf#search=disciplinary)

6.0 ROLES AND RESPONSIBILITIES

- 6.1 The Education Board comprising of Executive Director level members has overarching responsibility for the complaints process. Non-Executive Directors will undertake reviews of randomly selected complaint responses, to monitor adherence to process and any identified learning.
- 6.2 The Director of Education is responsible to ensure compliance with policies and procedures relating to the Education Centre.
- 6.3 The Education Facilitator Lead or Lead Internal Quality Assuror are responsible for appointing a suitable person (who was not involved in the events leading up to the complaint) as the investigating officer.
- 6.4 EPUT Education Centre is responsible for carrying out the duties outlined in this policy. They will ensure that all complaints are managed in accordance with the policy and procedure and ensure agreed timeframes and assurances are met.

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- 6.5 Apprentices have due responsibility to follow the guidance as set out in this policy.
- 6.6 The Investigating officer will be responsible for contacting the complainant to agree timescales for responding and undertaking a robust investigation in line with the Complaints Procedure.
- 6.7 All members of staff have a responsibility to;
- Familiarise themselves with the content of the complaints policy and procedure,
 - Work within the standards and guidelines
 - Review their practice as a result of any complaint raised or received and
 - Ensure that service users/residents, their relatives and carers are not treated differently as a result of raising a concern/complaint
- 6.8 All members of staff are responsible for responding to a concern/complaint made directly to them by ensuring they listen to the complainant and take the appropriate action in line with the complaints procedure.

7.0 MONITORING OF IMPLEMENTATION AND REVIEW OF EFFECTIVENESS

- 7.1 The EPUT Education Board will receive reports from the EPUT Education Centre as part of the quarterly oversight of the Apprenticeship programmes. This will be fed into by the Bi monthly Apprenticeship meetings.
- 7.2 The Apprenticeship Bi Monthly meetings will review any complaints, which have been investigated. These will then be escalated if required.
- 7.3 The Education Facilitator Lead (EFL) and Lead Quality Assuror (LQA) will review lessons learned to feedback to the Education Board.
- 7.4 The investigating officer will update the EFL and LQA regarding the ongoing investigation.
- 7.5 Key outcomes regarding reviews of curriculum or programme processes to be cascaded at the Apprenticeship bi- monthly and standardisation meetings.
- 7.6 Apprenticeship forums will allow generalised feedback relating to change of processes and evaluation of lessons learned.
- 7.7 A complaints annual report will be produced for the EPUT Education Centre Board.

8.0 MANAGING UNACCEPTABLE BEHAVIOUR

- 8-8.1 All individuals involved in a complaint are expected to meet standards of professional behaviours, treat the process itself with respect and not abuse it. It is recognised that people may act out of character in times of trouble or distress, however, we also recognise our duty to ensure the safety and welfare of our staff and apprentices. Consequently, we have a zero tolerance towards complainants whose behaviour is deemed to be unacceptable and action will be taken to protect

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staff. The term 'complainant' also includes anyone appointed as a third party to act on the complainant's behalf or anyone who contacts us in connection with a complaint.

2-8.2 Our definition of 'unacceptable behaviour' might include, but is not necessarily restricted to, cases in;

- Complaints which are obsessive, harassing or repetitive
- Communicating with us in an abusive, offensive, defamatory, distressing, aggressive, threatening, coercive or intimidating manner
- Submitting a complaint containing materially inaccurate or false information or evidence
- Insistence on pursuing non-meritorious complaints and/or unrealistic, unreasonable outcomes
- Insistence on pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress which lack any serious purpose or value

4-18.3 When a complainant's behaviour, or the complaint itself, is considered to be unacceptable, as a first step, we will usually tell the complainant why their behaviour or complaint is considered to be unacceptable and will ask them to desist. If the unacceptable behaviour continues, we will take action to restrict contact with the us.

4-28.4 Any decision to restrict an apprentices access will be communicated to the apprentice in writing by the Education Facilitator Lead (or nominee) and will be appropriate and proportionate. The options that we are most likely to consider are:

- Requesting contact in a particular form
- Requiring contact to take place with a named officer of the EPUT Education Centre
- Restricting telephone calls or emails to specified days and times
- Asking the complainant to appoint a representative to correspond with us
- Asking the complainant to enter into an agreement about their conduct

4-38.5 Should the complainant not agree with the restriction, they should contest the decision in writing to the Professional Training and Apprenticeships Manager and they will confirm the terms of the restricted access to the apprentice in writing.

4-48.6 In instances where a complaint is considered to be frivolous and/or vexatious, or where a complainant continues to behave in a way that is considered to be unacceptable, the Director of Education may invoke disciplinary proceedings in accordance with the Apprentice Code of Conduct or whether to terminate the Apprenticeship. In exceptional circumstances, this may mean that consideration of the complaint is also terminated, and a Completion of Procedures letter issued.

4-58.7 Should the complainant wish to appeal a decision to terminate Apprenticeship or to dismiss a complaint, they should contest the decision in writing to the Director of Education within ten working days of its communication. The Director of Education (or nominee) will consider the apprentice's representations and, where the restriction is considered reasonable, the Director of Education (or nominee) will confirm the termination of Apprenticeship and issue the apprentice with a Completion of Procedures letter within 28 days. Where the restriction is considered unreasonable the Director of Education (or nominee) may amend or rescind the restrictions.

4-68.8 Where a complainant submits multiple complaints on substantially the same issue, we reserve the right to treat the matter as a single complaint and to decline to respond to each separate subsequent complaint. should contest the decision in writing to the Director of Education within ten working days of its communication. The Director of Education (or nominee) will consider the apprentice's representations and, where the restriction is considered reasonable, the Director of

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Education (or nominee) will confirm the termination of apprenticeship and issue the apprentice with a Completion of Procedures letter within 28 days. Where the restriction is considered unreasonable the Director of Education (or nominee) may amend or rescind the restrictions which there is clear evidence that the complainant has behaved in one or more of the following inappropriate ways or the complaint itself is considered to be frivolous, vexatious or motivated by malice

9.0 REFERENCE TO OTHER TRUST POLICIES

- Workforce Wellbeing Policy.
- Conduct and Capability Policy.
- Raising Concerns (Whistleblowing) Policy and Procedure.
- EPUT Education Centre Safeguarding Policy
- Maladministration of Assessment policy.
- Apprenticeship policy
- Adverse Incidents Policy and Procedure.
- Dignity Respect and grievance policy
- Disciplinary policy (Conduct policy)
- SEND policy

END