

Complaints Policy

v21.1

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Policy/Document Relates to	End-Point Assessment Provision, Awarding Provision, Endorsed Provision, Corporate
Policy/Document is for the use of	Learners, Apprentices, Training Providers, Recognised Centres, TQUK Employees, Third Parties,
Should be read in conjunction with	Appeals Policy, Malpractice and Maladministration Policy, Sanctions Policy

Introduction

This document explains Training Qualifications UK's feedback and complaints procedures and is provided for Recognised Centres, Training Providers, Learners, Apprentices, Employers, and all interested parties who encounter a direct or indirect service from Training Qualifications UK. TQUK values feedback, both positive and negative, from all its partners and our aim every day is to exceed the expectations of our customers.

If an individual feels that they have encountered a level of service that is below their expectations, that concern should be raised with TQUK immediately. If you are not satisfied with any aspect of our products or services, we want to put it right as soon as possible.

TQUK Internal Responsibility

The Customer Service Department is responsible for the maintenance and compliance of this policy. If the Customer Service Manager is absent, the Responsible Person will appoint the Head of Operational Services or another member of the Leadership Team to ensure all TQUK's actions and activities are in line with the content of this policy.

Review arrangements

We will review the policy annually as part of our self-evaluation process and revise it as and when necessary, in response to feedback or requests. We may also update this policy as part of good practice guidance issued by the regulatory authorities (e.g., to align with any complaints processes established by the regulatory authorities such as Ofqual).

The annual review of this policy will be undertaken by the Customer Service Department approximately four weeks prior to the submission of TQUK's Statement of Compliance to Ofqual. Any amendments or updates to this policy will be approved by TQUK's Leadership Team.

If you have any points or feedback regarding this policy, please contact us via the details provided at the start of this policy.

Definition

For the purposes of this policy, TQUK have adopted define a complaint to be an expression of dissatisfaction regarding a service offered directly by TQUK or indirectly by a Recognised Centre or Training Provider. This may be directly regarding the delivery, management, assessment and quality assurance of our qualifications (including End-Point Assessments) and additionally where previous attempts at resolution have been unsuccessful.

Training Provider / Recognised Centre Responsibility

TQUK suggests that all Training Provider or Recognised Centre staff involved in the delivery, management, assessment, and quality assurance of our qualifications (including End-Point Assessments), and their Learners/Apprentices and Employers, are fully aware of the contents of this policy.

A Recognised Centre must have complaints handling procedures in place.

Feedback

TQUK welcomes all comments, suggestions and feedback related to its services whether positive or developmental.

TQUK takes all such feedback seriously and is committed to improving its offering wherever shortcomings are identified.

If you wish to provide us with feedback, either positive or developmental, we invite you to do so by using the contact details below.

Awarding – support@tquk.org

End-Point Assessment – epasupport@tquk.org

– By phone on 03333583344

By Letter to TQUK,
TQUK
Crossgate House,
Cross Street,
Sale,
Manchester,
M33 7FT

Who can make a complaint?

1. **A recognised center or other centers that have encountered a direct or indirect service from TQUK.**

A TQUK Recognised Centre or other centers that have encountered a direct or indirect service from TQUK, may make a Complaint if it believes that a service has fallen short of its expectations. It would be our expectation that the dissatisfaction is raised with the department responsible in the first instance to allow them the opportunity to rectify and acknowledge any concerns that are raised.

2. **A Training Provider**

A Training Provider involved in the management of Apprentices undertaking End-Point Assessment with TQUK may make a Complaint if it believes that a service has fallen short of its expectations.

Please note, that if a Training Provider wishes to appeal the assessment decision of an Apprentice, as it believes TQUK has not followed its processes and procedures correctly, the [Appeals Policy](#) should be used.

3. **A Learner undertaking a TQUK Qualification or endorsed course of Learning that is not an End-Point Assessment and is with a Recognised Centre,**

A Learner undertaking a TQUK qualification or endorsed course of learning with a Recognised Centre may make a Complaint to TQUK. However, a Learner may only make a complaint if they have complained directly to the Recognised Centre, have exhausted the Centre's complaints route and remain unhappy with the response received.

A Learner must have fully engaged with a Recognised Centre's complaints process before contacting TQUK and must be able to provide the details of having done so. Please note that outcomes of complaint responses may differ depending on the registration status of the learner.

4. **An Apprentice undertaking End-Point Assessment with TQUK, or an Employer of an Apprentice undertaking End-Point Assessment with TQUK**

An Apprentice or the Employer of an Apprentice undertaking End-Point Assessment with TQUK may make a Complaint if they believe that service has fallen short of their expectations.

If an Apprentice or Employer believes procedures have not been applied fairly and consistently in arriving at a judgement of attainment, they may instead wish to contest this decision and should consult the TQUK [Appeals Policy](#) on how to do so.

If an Apprentice or an Employer wishes to make a complaint about their Training Provider, they should do so directly to the Training Provider. As an End-Point Assessment Organisation, TQUK is not associated

with the on-programme training of Apprentices, unless they are also undertaking a TQUK qualification, in which case point 3 applies.

The Complainant

For the purposes of this document, the Complainant is the person or organisation who submits the initial dissatisfaction. If the Complainant wishes to change the contact for the complaint process, then they must formalise this with the person that is responsible for their complaint, namely the person who has initially acknowledged the complaint. They will need to be made aware of the new contact before any timescale or process is deemed to have commenced.

Confidentiality

Where a Learner wishes to make a complaint about a Recognised Centre, it is not possible to investigate such a complaint anonymously, as the primary purpose of such a complaint is to investigate if the Recognised Centre has acted fairly and in accordance with its published complaints procedure.

If an individual has reason to believe malpractice or maladministration may have taken place at a TQUK Recognised Centre, during the delivery of an End-Point Assessment where TQUK is the End-Point Assessment Organisation, or by a Learner or Apprentice registered with TQUK, they should refer to the [TQUK Malpractice and Maladministration Policy](#). This policy outlines a process through which an allegation may be made or investigated anonymously.

Complaints regarding Learner's End-Point Assessment Results

Should a complaint be submitted which is, in fact, an appeal, TQUK will respond to inform the relevant party that they will not be accepting the Complaint, however they would be given the option to pursue the appeal's route in accordance with TQUK's [Appeals Policy](#).

Timeframe for submitting a complaint.

Typically, we will only consider your complaint if it is within 12 months of the issue arising. In some circumstances, we may still be able to investigate even if you complain outside of this period, for example, because of:

- Ill health
- A delay on the part of TQUK

We will look at how much time has passed and consider:

- Whether it is still possible for us to carry out an investigation
- What is fair to all parties in the circumstances.

Complaints

TQUK views complaints as an expression of dissatisfaction with a service offered directly by TQUK or indirectly by a Recognised Centre or Training Provider involved in the delivery, management, assessment, and quality assurance of our qualifications (including End-Point Assessments) and additionally where previous attempts to resolve the issue have been unsuccessful.

Further to our regulatory requirements, we also view complaints as a learning tool and are committed to addressing any concerns raised and learning from any mistakes that are made.

Complaints can be made via any communication method that TQUK makes available, please see [here](#) for the any contact details you may require.

Complaints we can deal with

We define a complaint as an expression of dissatisfaction about the way in which we carry out the service required, including that which is reasonably expected of an Awarding Organisation/ End-Point Assessment Organisation. We deem a Formal Complaint as being separate from Feedback given to us in that it would require investigation and/or remedial action due to;

- Mistakes or poor service.
- Unreasonable delay or failure to take action.
- Unprofessional behaviour or conduct of staff.
- Bias or unfair treatment.
- Failure to follow our published policies or procedures without a reasonable explanation.
- Failure to meet appropriate expectations regarding the service provided without reasonable explanation.
- Matters made within 12 months from the action being complained about - see [here](#) for more information.

What we cannot deal with

If we cannot deal with a complaint, we will respond as such and, where possible, suggest an alternative agency, organisation or route that may be applicable. Some examples where we may not be able to assist include.

- Where you disagree with our Policies.
- Where there is an open Appeal – however, we are happy to accept a complaint on completion of the Appeal and any further avenues the Appeal may have taken within TQUK’s remit.
- Matters which are, or have been, the subject of legal or ongoing regulatory action, or potential action.
- Matters, or similar matters, which have already been fully investigated through this Complaints Policy
- Matters where, in our view, the outcome of our investigation is unlikely to make any substantial changes to TQUK operations.
- Matters, where we believe that an investigation is not needed and may require an immediate response with no investigation required as resolution – in these circumstances the matter will still be logged for review purposes.
- It relates to an action which was not taken by us. For example, a change in funding allocations, an alteration to an assessment plan, or an action taken by the Center or Training Provider that does not relate to the quality or validity of the assessment.
- The Complainant has not yet taken their complaint about a Training Provider or a Center to that organisation and given them the opportunity to respond and rectify.
- It relates very specifically to the outcome of an assessment and therefore constitutes as an appeal.
- It relates to a very specific instance of alleged malpractice at a recognised Training Provider or Center the Complainant is a current or ex-employee of the Center, and therefore meets the definition of whistleblowing.
- It relates to general poor practice at a Training Provider or Center, which has the potential to negatively impact on that centre or Training Provider’s obligations to provide fair and valid assessment opportunities to Learners, but does not directly affect the Complainant, and therefore falls within the remit of our Malpractice/Maladministration policy.

Should a complaint be submitted which is, in fact, an appeal, TQUK will respond to inform the relevant party that they will not be accepting the Complaint however they would be given the option to pursue the Appeal’s route in accordance with TQUK’s [Appeals Policy](#).

The Formal Complaint Process

The Complainant can complain in any way using all means of contact available to them they are also able to complete the [Complaint Form](#), or have it completed on their behalf, to formally begin the process. The Complainant should clearly set out the grounds for complaint within the complaint form, considering the 'Complaints We Can Deal With' and 'What We Cannot Deal With' sections of this policy.

TQUK will confirm receipt of the formal complaint within **3 working days**. The Complainant will then be offered the opportunity to provide any relevant supporting evidence they believe may inform their case to TQUK before the complaint is formally opened. There will be **3 working days** from the formal acknowledgement of the complaint to collate and send any evidence should it be needed. Evidence submitted later will not be considered. The Complainant is encouraged to include transcripts and email threads of any relevant communications where possible, or a timeline of activities. It is only after these 3 working days have lapsed that the complaint will be opened, the Formal Complaint stage will take 10 Working days from the day the formal complaint was opened. This date will be communicated with the Complainant on confirmation of receipt.

The investigation into the formal complaint will be conducted by a suitably competent TQUK staff member who has been distanced from any decisions relating to the Complaint in question.

Results of Formal Complaint

Following the conclusion of the Formal Complaint, TQUK will notify the Complainant of its decision to either.

- **Uphold**- The complaint is upheld in its entirety. TQUK agrees with the Complainant's determination that something has gone wrong, with their summary of it, and we are prepared to take remedial action to correct the issue.
- **Partially Uphold** - TQUK agrees with the Complainant that something has gone wrong, however not with their characterisation of the error and/or the requested remedial action.
- **Not-Uphold** - TQUK does not agree that the circumstances of the complaint happened as perceived by the Complainant and is able to evidence this. We do not accept the version of events or the claim that there was an adverse effect on learners as a result of inappropriate TQUK action.

TQUK will always attempt where possible to describe to the Complainant any steps or further routes which can be taken to achieve a satisfactory outcome.

TQUK requests that within **10 working days** of receiving notification of the result of a Formal Complaint, a Complainant confirms to TQUK if they accept this decision or if they wish to proceed with the complaint along further routes as listed on the Formal Complaint response. If no response has been received from the Complainant.

Complaints in conjunction with ongoing investigations

Typically TQUK would not open a complaint whilst an investigation is being conducted with a different department. E.g. Malpractice investigation/ Appeal. In these instances the complaint will remain unopened until the investigation has been completed. It would be communicated to the original complainant that the investigation had concluded and that the complaint would be opened unless they deem it unnecessary.

Instances where we would open a complaint despite an investigation being underway;

- When the complaint is directly regarding the investigation process
- When the complaint is directly regarding the conduct of TQUK employees who are conducting the investigation

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- When it is believed that TQUK have not applied their policies and procedures fairly regarding the investigation.

Unreasonable Communications

Whilst TQUK is committed to thoroughly investigating every Complaint raised, we will not accept vexatious, persistent, or abusive correspondence or communications which do not present new information or evidence once the complaints process is concluded.

In such circumstances, you will be informed of our decision and of any restrictions we wish to impose. These restrictions may include, but are not limited to:

- Limiting contact to a named member of staff.
- Only accepting certain types of correspondence, for example, written in an email.
- Placing a restriction on when contact can be made.
- Only responding to correspondence if significant new information is raised.

Consequences of complaints about Recognised Centres.

Where a Complaint identifies serious shortcomings in the processes of a Recognised Centre, or a failure to meet aspects of TQUK's delivery requirements and/or the standards set by the regulatory authorities in respect of regulated qualifications, TQUK may impose sanctions on a Recognised Centre, as outlined in the TQUK [Sanctions Policy](#).

TQUK may review the planned monitoring frequency of a Recognised Centre if a complaint related to a Recognised Centre identifies shortcomings, to ascertain if increased monitoring should be applied and support offered.

TQUK will not update a Complainant where sanctions have been imposed on a Recognised Centre or increased monitoring applied.

Continuous improvement

In situations where a complaint has highlighted a failure in TQUK processes, appropriate action will be taken to improve the relevant processes. This may include but is not limited to:

- identifying any other Learner who has been affected by that failure.
- correcting, or where it cannot be corrected, mitigating as far as possible, the effect of the failure.
- ensuring that the failure does not recur in the future.
- in extreme circumstances, internal disciplinary procedures may be exercised where the performance or behaviour of TQUK staff members is deemed unacceptable.

Information gathered during the complaints process may also be used by TQUK as evidence to inform and review our approach to the development, delivery and award of qualifications.

Further Avenues

In the unlikely event that a Complainant remains dissatisfied with the outcome of a Complaint, an escalation may be made, in the first instance, to the Head of Operational Services or another member of the Leadership Team who will review all the available evidence along with the decision made. They will then notify the Complainant of their final decision.

Should this response be unacceptable then the complaint can be escalated to the appropriate regulator. At this stage, the Executive team and the Compliance department will be notified that this is the likely outcome.

TQUK will provide advice on whom to contact and which regulator is applicable to the case.

If a Complainant feels that TQUK has not followed its process in reaching the conclusion to the complaint in relation to a Regulated Qualification delivered by a Recognised Centre based in England they can contact Ofqual using this [link](#) or the below contact details:

By Letter to:
Complaints – Ofqual
Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

A Complainant who remains dissatisfied following a complaint to TQUK in relation to a Regulated Qualification delivered by a Recognised Centre based in Northern Ireland can complain to the Council for the Curriculum, Examinations and Assessment (CCEA) using the below contact details:

Through the online complaints form via the website www.ccea.org.uk By Telephone 028 9026 1200
By Email to complaints@ccea.org.uk

In all of these cases the regulator will seek to confirm that TQUK's complaints procedures have been followed correctly. In all but exceptional circumstances, it will also be necessary for the Complainant to have completed the full TQUK Complaints process before a complaint will be accepted by the regulators.