



Complaints About Awarding Bodies Policy



Version (2) of the Complaints About Awarding Bodies Policy was approved on 26 June 2018. This replaces version (1) which was published in September 2015.

Qualifications Wales will aim to review this document every three years. Feedback on this policy is welcomed at any time. Please send any comments to policy@qualificationswales.org.

General Principles of the Complaints About Awarding Bodies policy

This policy is for anyone who wishes to complain about an awarding body recognised by Qualifications Wales ("us") or about one or more regulated qualifications offered by such an awarding body. The aim of the policy is to:

- provide clarity on the type of complaints we can, and cannot, consider;
- outline at which point we can handle such complaints that are in scope; and
- describe our process for handling such complaints.

Qualifications Wales is the regulator of recognised awarding bodies and non-degree qualifications in Wales. We regulate qualifications that are developed and delivered by the awarding bodies that we recognise. When recognised, an awarding body must comply with our regulatory requirements.

The policy enables anyone who is dissatisfied with relevant aspects of an awarding body, or with the regulated qualifications it offers, to complain to us. Usually, we would expect the complainant to have contacted the awarding body first of all to discuss the complaint and that we would normally expect their complaints policy to have been exhausted before we are contacted and/or agree to investigate the complaint as a regulator.

Types of complaints

1. In respect of complaints about awarding bodies, we will normally only deal with a complaint:
 - i. which relates to the design, assessment, award or certification of a regulated qualification by a recognised awarding body;
 - ii. which relates to an awarding body's failure to comply with our regulatory requirements;
 - iii. if it relates to a qualification being assessed in Wales, or, if that qualification is being assessed elsewhere, but is likely to result in adverse effects for learners in Wales;
 - iv. if it is received in writing by us no later than 12 months after the date on which the incident occurred;
 - v. if we have not already dealt with and/or closed a previous complaint from the same complainant about the same issue;
 - vi. if the complainant has exhausted the awarding body's complaints process, unless there are exceptional circumstances which may render this inappropriate¹; and
 - vii. if we consider the complaint to have merit and not be vexatious.
2. We will not usually deal with a complaint which is being, or has been, dealt with by formal legal proceedings or by another regulatory body, whose remit it is.
3. When dealing with a complaint about an awarding body, we will not make judgments about candidate work, re-mark candidate work, or change awards in any circumstances.
4. We cannot provide compensation to complainants and we cannot direct recognised awarding bodies to provide compensation to complainants.
5. This policy relates to complaints made about awarding bodies regarding actions that relate to our remit as the regulator of qualifications in Wales. This policy does not cover a complaint about us, someone who works for us or is acting on our behalf. If you have a complaint of this type, please refer to our [Corporate Complaints Policy](#).

¹ We cannot provide a prescriptive list of circumstances, but we can provide a description of the types of potential situations, which include, but are not limited to: instances where the awarding body has refused the complaint or closed the complaint, where the complainant has evidence or a reasonable case that the complaint would not be handled appropriately by the awarding body, where there are conflicts of interest that cannot be managed in the usual way, or where the interests of learners are best served by us looking at the complaint.

6. Awarding bodies have a duty to comply with our regulatory requirements. With which requirements they must comply will depend on their recognition and the types of qualifications that they offer. A full list of our regulatory requirements can be found in our [Regulatory Documents List](#).

Who can make a complaint about an awarding body

7. A complaint may be made by any person, including learners, candidates, candidate representatives (including parents or carers), providers, employees, employers, teachers/lecturers, teacher associations, or members of the public. Complaints can be made by individuals or by a group providing that one individual is identified as the main contact for the purposes of communications with the group.

Confidentiality and anonymity

8. We will respect your confidentiality with regard to any personal information you provide to us. Where it is necessary to transfer any personal details to third parties such as other regulators, we will contact you to gain your permission before doing so. As a public body, all written information that we hold is subject to Freedom of Information requests, however we will pay regard to the Data Protection Act and EU General Data Protection Regulation before disclosing any personal information. Please see our [Privacy Notice for General Enquiries](#) about how we will process your personal data and your rights as a data subject.
9. In the case of an anonymous complainant we will endeavour to deal with the complaint; however in such instances, our investigations, actions and ability to respond to complainants may be limited by the anonymity of the source.

First steps

10. If you have a complaint about an awarding body or about a qualification regulated by us, you should in the first instance lodge a formal complaint with the relevant awarding body or, where relevant, the learning provider. We require awarding bodies to have a complaints procedure.
11. If you are not satisfied with the outcome or process of the complaint dealt with by the awarding body, you can complain to us. If you wish to make a complaint, please email report@qualificationswales.org and title your email "Complaint about an awarding body", or write to us at:

Qualifications Wales
Q2 Building
Pencarn Lane
Imperial Park
Coedkernew
Newport
NP10 8AR

12. You should include as much information as possible within your complaint to enable us to act effectively. Information we would welcome includes:
- what you are complaining about;
 - where it happened;
 - when it happened;
 - who was involved and / or affected;
 - any outcomes you would like to see from your complaint; and
 - supporting evidence.

We will only be able to consider complaints where we are able to identify the relevant awarding body and/or regulated qualification that is the subject of the complaint and where the information is sufficient for us to investigate properly.

13. You may submit a complaint to us in English or in Welsh, and you will receive a response in the language used in your communication with us unless you advise us otherwise.
14. We welcome complaints from learners, but request that any complainant who is under the age of 18 notify us of this in their complaint. This is for reasons of safeguarding and protecting young people.

Complaints handling process

15. When we receive a complaint and where we have been provided with contact details from a complainant, we will send an acknowledgement, normally within five working days of having received the complaint.
16. Our complaints handling process can have two-stages: starting with the initial assessment and then proceeding to a full investigation, where necessary.

Assessment

17. We will undertake an initial assessment to confirm whether the complaint is one that we would deal with and whether the awarding body's complaints procedures have been exhausted. In order to determine this, we may consider the policies and procedures of the relevant awarding body, make enquiries of the relevant body or request further information from relevant persons (including the complainant, the relevant awarding body, and where appropriate other bodies).
18. Where we determine that the complaint is not a type we will deal with, we will promptly inform the complainant of the decision not to take the complaint forward, normally ten working days after the acknowledgement letter/email.

Full investigation

19. Where we determine that the complaint is one that we will deal with, we will write to the complainant confirming this and then will carry out a full investigation.
20. An investigation into a complaint involves us directly investigating the issues raised gathering relevant evidence, including by making enquiries with the awarding body. Our investigations could include desk research, interviews, analysing data, visits to centres and/or awarding bodies and collecting evidence from relevant parties. The main purpose of such an investigation would be to establish whether the awarding body has complied with our regulatory requirements.
21. We will aim to complete our investigation within 30 working days. If we are unable to meet this deadline, we will, within that period, provide the complainant with our reasons for this and an anticipated timescale within which we will aim to provide a fuller response.
22. We may conclude or resolve any outstanding issues during the course of addressing or investigating the complaint, or we may take regulatory action if our investigation concludes that the awarding body has failed to comply with any relevant regulatory requirements. For further information on this, please refer to [Taking Action When Things Go Wrong](#).
23. Where we hold contact details for the complainant, we will let the complainant know the outcome of their complaint including any action we have taken in relation to the awarding body.

24. Where it has been concluded that an awarding body may have failed to comply with legislation and where it is appropriate to do so, we would refer the issue to the appropriate bodies, such as the Police and/or Crown Prosecution Service.

Working with others

25. We may recognise the complaint as being within the scope of another body's remit, which might include, but would not be limited to;
- Estyn, Her Majesty's Inspectorate for Education and Training in Wales;
 - Ofqual and/or CCEA;
 - Education Workforce Council;
 - Health and Safety Executive Wales;
 - Charity Commission for England and Wales;
 - Welsh Language Commissioner; or
 - Office of the Independent Adjudicator.

In these instances, we may contact the appropriate body, and/ or provide the complainant with contact details for such bodies

Action following review / investigation

26. If a complainant is unhappy with the outcome of our formal investigation into their complaint, then they may request an internal review of our decision. Disagreement with a decision taken by Qualifications Wales does not automatically provide a right to escalate to the independent review stage. Requests must be made according to one of the following grounds:
- i. that the decision was not carried out in accordance with the relevant policy, regulations, legislation or other information published or communicated by Qualifications Wales;
 - ii. that the decision was based on incomplete or inaccurate evidence, to the extent that it is reasonable to conclude that the decision may have been different; or
 - iii. that there was prejudice or bias by one or more decision maker.
27. The internal review of our decision will be undertaken by a reviewer(s) who will not have been involved in the decision of our investigation. The internal review will normally be completed within 30 working days of the request being received and the internal reviewer(s) will provide a statement to the complainant or awarding body following its conclusion. This statement will include a recommendation to either uphold or revise the decision.

28. If a complainant is unhappy with the internal review of our decision they can contact the Public Services Ombudsman for Wales. For information about how to make a complaint, please use the following contact details:

- Online at <http://www.ombudsman-wales.org.uk/en/Making%20a%20complaint.aspx>
- By telephone on 0300 790 0203

The Ombudsman has legal powers to consider complaints about public services in Wales and is independent of all government.