

QUALIFICATIONS WALES

POLICIES AND PROCEDURES

COMPLAINTS ABOUT AWARDING BODIES

Version control

This version (1) of Qualifications Wales' Complaints about Awarding Bodies policy was approved on 25 September 2015 by the Qualifications Wales Board.

Formal reviews of this document will take place at least every two years, and will include a review of the effectiveness of the policy, and its currency. Its next review is due to take place no later than 30 September 2017. Feedback from the public on this policy is welcomed in the meantime. Please send your comments to contact@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 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
- a transparent process for handling complaints
- transparency on what we can and cannot hear complaints about.

The policy enables anyone who is dissatisfied with relevant aspects of an awarding body, or with the regulated qualifications it offers, to complain to Qualifications Wales. The policy only covers areas in which we have a legitimate role. It does not cover complaints where we do not have a legitimate role.

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FIRST STEPS

1. 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. After you have exhausted the relevant awarding body's complaints procedure, you may also raise a complaint with Qualifications Wales. We will deal with a complaint if it concerns an awarding body recognised by us or about a qualification regulated by us. We will not deal with a complaint about an awarding body not recognised by us or about a qualification not regulated by us. We will only deal with a complaint where that complaint is in relation to learners in Wales or is likely to impact learners in Wales.

TYPES OF COMPLAINTS

2. In respect of complaints about qualifications we will only deal with a complaint which:
 - relates to the design, assessment, award or certification of a regulated qualification by a recognised awarding body and relates to an awarding body's failure to comply with requirements, and
 - that qualification is being assessed in Wales or is likely to impact on learners in Wales, and
 - is received in writing by us no later than 6 months after:
 - the date on which the incident that is the subject or cause of the complaint occurred,
 - OR the date the relevant awarding body was informed by the complainant of the incident,
 - OR the date on which the complainant has been informed by the awarding body that it is unable to progress the complaint further.=
3. We will not normally deal with a complaint if:
 - we have already dealt with and/or closed a previous complaint from the same complainant about the same issue
 - we have already received a complaint about the same issue and determined that the complaint does not meet the criteria above

- the complainant has not exhausted the awarding body's complaints process
 - we consider the complaint to be meritless or vexatious
4. Furthermore we will not usually deal with a complaint which is being, or has been, dealt with by formal legal proceedings. However we may deal with a complaint once legal proceedings have been concluded.
 5. This policy does not cover a complaint about us, someone who works for us or is acting on our behalf.

WHO CAN MAKE A COMPLAINT

6. A complaint may be made by any person, including learners, candidates, candidate representatives (including parent or carers), providers, employees, employers, 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.
7. We will only handle a complaint from an anonymous source where we are able to identify the relevant awarding body and/or regulated qualification which is the subject of the complaint, and the evidence provided with the complaint is sufficient for the complaint to merit further consideration.

HOW TO MAKE A COMPLAINT

8. If you wish to make a complaint, please email contact@qualificationswales.org and title your email "Complaint", or write to us at

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

9. You should include as much of the following information as possible. Information we would welcome includes:
 - what you are complaining about

- where it happened
- when it happened
- supporting evidence

10. Please also provide any known reference numbers that might be relevant, for example candidate, qualification or centre numbers.

RESPONSE TIMES

11. We will:

- send an acknowledgement to the complainant within 5 working days of the complaint being received by us to the address or email address provided;
- where we determine that the complaint is not a type of complaint we will deal with, inform the complainant of the decision not to take the complaint forward within 5 working days of the acknowledgement letter/email and, where appropriate, inform the complainant about other organisations that it may be useful to contact;
- aim to provide a substantive response within 30 working days of the acknowledgment letter/email. If we are unable to meet this deadline, we will, within that period, inform the complainant of the date by which we will aim to provide a substantive response.

12. Where you are complaining about an award given to you, or you are a carer or provider of a candidate, and that award is critical to your entry to university, aim to provide a substantive response within 15 working days or sooner if at all possible to do so.

13. We will provide a response in the language (Welsh/English) in which the complaint was received.

COMPLAINTS HANDLING PROCESS

14. We will normally deal with a complaint by conducting an initial review of the matters raised by the complaints and/or by carrying out a more formal investigation.

15. We will undertake an initial review of the nature of the complaint, including where applicable the response of the awarding body to the complaint. In

order to determine whether the complaint requires a formal investigation, we may review the policies and procedures of the relevant awarding body, make enquiries of the relevant body and/or request further information from relevant persons (including the complainant, the relevant awarding body, and where appropriate other bodies). The outcome of our review may be to refer the complainant to the awarding body, the provider or any other organisation, including other qualifications regulators, for further assistance.

16. Where a complaint raises significant concerns about an awarding body or its regulated qualifications meeting the requirements we place on it we may carry out a more formal investigation. A formal investigation into a complaint involves us investigating the issues raised in the complaint by gathering relevant evidence and notifying the complainant of the outcome of the investigation. The purpose of an investigation is to establish whether the awarding body has complied with such relevant regulations as are applicable to it in respect of the complaint. We will not make judgments about candidate work re-mark candidate work or change awards issued by an awarding body.
17. We may pause or stop an investigation where there is a possibility of legal, criminal or civil proceedings, if any person makes any public statement during the investigation that could affect the outcome or any future criminal or civil proceedings. This includes if you discuss the investigation with any relevant parties.

CONFIDENTIALITY

18. We may need to reveal your identity to the individual or organisation you are complaining about. We won't do this if we feel there are exceptional reasons why confidentiality should be maintained or if you explicitly ask us not to. It can, however, limit what we are able to do if you ask us to protect your identity.
19. We will not normally allow any other body to see information relating to a complaint if they are not involved. We may share information about complaints, reviews and investigations with other government departments or organisations where we need to fulfil our duties under the law.
20. We will keep information about individual cases confidential unless we need to release information under relevant laws including the Data Protection Act 1998 or the Freedom of Information Act 2000.

ACTION FOLLOWING REVIEW/INVESTIGATION

21. We may take regulatory action where our investigation concludes that the awarding body has failed to comply with any relevant regulation.
- Alternatively, we may conclude that our investigation has identified issues that are not within our remit but can be taken up by another body.

ESCALATION PROCEDURES

22. Any person affected by the conclusion of an investigation may request an internal review of the way in which the investigation was conducted within 20 working days of the decision being informed. We will carry out an internal review in line with our Regulatory Appeals Policy. We will not carry out an internal review where we have determined the complaint is not one we would normally deal with.
23. If you are unhappy with the way we deal with your complaint you can write to the [Public Services Ombudsman for Wales](#) (External link). The Ombudsman has legal powers to look into complaints about public about public services in Wales and is independent of all government bodies.