



## CORPORATE COMPLAINTS POLICY

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## Qualifications Wales Corporate Complaints Policy

1. Qualifications Wales is committed to dealing effectively with any concerns or complaints you may have. We aim to clarify any issues about which you are not sure. If we got something wrong, we'll apologise and where possible we'll try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our processes.

### When to use this policy

2. This policy provides the mechanism for you to complain if you believe that we have performed or behaved poorly or inappropriately.
3. Separate to this document, we have policies that outline how we will deal with other complaints and concerns. Please see Paragraph 6 for more details on these relevant policies.
4. We welcome concerns being raised with us and will address these through our various approaches. Whichever policy your complaint falls under, we will sign post you appropriately and swiftly.
5. Sometimes, you might be concerned about matters that are not decided by us, for example Welsh Government policy. Where possible we will advise you how to make these concerns known.
6. This policy does not cover:
  - i. Legal proceedings or judgements. These should be forwarded to the Executive Director, Finance and Corporate Services at <http://qualificationswales.org/aboutus/contact-us/?lang=en>
  - ii. Complaints relating to the offer or award of a contract for goods, works or services should be directed to the Head of Procurement at <http://qualificationswales.org/about-us/contact-us/?lang=en>
  - iii. Employee raised grievances. These will be dealt through our internal HR policies.
  - iv. decisions to impose a monetary penalty or the amount of that penalty. Awarding bodies have the right to appeal to the First-tier Tribunal, in accordance with section 39 of the Qualifications Wales Act 2015;
  - v. decisions to recover Qualifications Wales' costs for enforcement action. Awarding bodies have the right to appeal to the First-tier Tribunal, in accordance with section 41 of the Qualifications Wales Act 2015;

- vi. appeals about regulatory decisions. These should be made in accordance with our [Regulatory Appeals Policy](#).
- vii. complaints about an awarding body. We describe these types of complaints and how we will respond to them in our [Complaints about Awarding Bodies Policy](#); or
- viii. disclosures made by workers of awarding bodies. We describe these types of complaints and how we will respond to them in our [Regulatory Whistleblowing Policy](#).

### **Vexatious and Repetitious complaints**

7. **We will refuse to deal with unreasonably persistent or vexatious complaints.** Unreasonably persistent and vexatious complaints are those where the complainant is deemed to be pursuing a complaint without merit and intends to cause inconvenience, harassment or expense to the organisation. If we deem a matter to be unreasonably persistent or vexatious we will contact the complainant to identify this and explain why.

### **Who can complain?**

8. A complaint may be made by any person and 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.
9. Complaints submitted on behalf of another individual must have their written permission for you to act on their behalf.
10. We will not consider complaints raised anonymously.

### **How do I complain formally?**

11. You can express your concern in any of the ways below:
  - You can complete a copy of our complaint form. If you choose not to use our form, please make sure to include in your document all the information requested in the form.
  - You can get in touch with us by telephoning 0333 077 2701 if you want to make your complaint over the phone.
  - You can e-mail us at [enquiries@qualificationswales.org](mailto:enquiries@qualificationswales.org)
  - You can write a letter to the Head of Corporate Governance at the following address:

Qualifications Wales  
Q2 Building, Pencarn Lane  
Imperial Park

Coedkernew  
Newport. NP10 8AR

## What if I need help?

12. Our aim is to make sure we understand your complaint and will ensure this is the case.
13. We welcome complaints under this policy from people under the age of 18. If you need help submitting a complaint, or during the process of your complaint being considered, you can speak to someone on the Meic Helpline (phone 080880 23456, [www.meiccymru.org](http://www.meiccymru.org)) or contact the Children's Commissioner for Wales. Contact details are:

01792 765600 (South Wales) 01492 523333 (North Wales)  
[post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)  
[www.childcom.org.uk](http://www.childcom.org.uk)

<b>South Wales Office:</b> Oystermouth House Phoenix Way Llansamlet Swansea SA7 9FS	<b>North Wales Office:</b> Penrhos Manor Oak Drive Colwyn Bay Conwy LL29 7YW
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## What we expect from you

14. We expect you to give us the opportunity to consider your concerns or complaint in accordance with this policy before you take any other action. In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.
15. We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. We have a separate policy to manage situations where we find that someone's actions are unacceptable.

## Privacy

16. We retain your personal data along with your complaint in a database for the purpose of recording progress and monitoring our performance. We will only use this personal data in accordance with the Data Protection Act 1998 to deal with your request and any matters that arise from it.

## Dealing with your complaint

17. Complaints will be considered in a fair and transparent way. As such the people reviewing the complaint will ensure that you are informed of and kept up to date with:
  - The names of the people reviewing your complaint.
  - When we expect to complete the review and, if there are unexpected delays or deferrals, any revised timescales.
  - The evidence or key documents that influence the final decision and the right to request a copy and rebut or dispute the honesty or accuracy of that evidence.
  - The final decision in the form of a written report or statement.
  - We will formally acknowledge your complaint, normally within 5 working days. We will let you know if your complaint falls outside of the scope of this policy and will advise you on what action you may wish to take.
  - We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements.
  - We will make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.
  - Normally, we will only be able to look at your complaint if you tell us about it within 6 months of the incident occurring. This is because it's better to look into your concerns while the issues are still fresh in everyone's mind.
18. We may exceptionally be able to look at complaints which are brought to our attention later than this. However, you must give us strong reasons why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. In any event, regardless of the circumstances, we will not consider any concerns about matters that took place more than one year ago.

19. When considering looking at complaints raised with us after 6 months, we will consider factors including but not restricted to:
- The rationale for the late submission and supporting evidence as to why the complainant was unable to submit a complaint within the specified period.
  - The information available to Qualifications Wales to enable an investigation to be completed.

#### What if there is more than one body involved?

20. You may also complain to us about a body working on our behalf (e.g. contractors). Please contact us directly to complain about anybody working on behalf of Qualifications Wales.

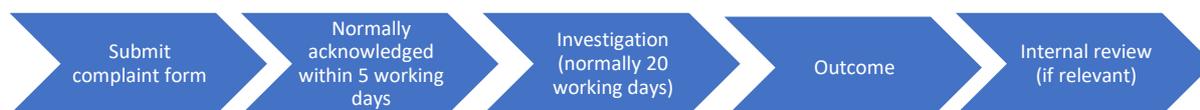
## Corporate complaints handling process

### Stage 1: Informal resolution



21. If you have concerns, then it is best to make us aware as quickly as possible so that we can try to address the issues. You should first give us a chance to respond to your query. If you are not happy with our response, you will be able to make your concern known as we describe below.
  
22. If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it first with the person you're dealing with. He or she will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern, then the member of staff will draw them to our attention. If the member of staff can't help, they will explain why, refer the matter where appropriate and if you remain unsatisfied with the outcome you can then ask for a formal investigation.

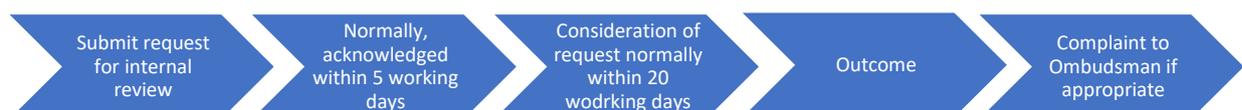
### Stage 2: Formal Complaint



23. We will tell you who we have asked to consider your concern or complaint. This will always be led by someone who has not been involved in the issue. Where appropriate we reserve the right to ask an independent person to lead or contribute to the investigation of any complaint. If this happens we will make it clear in our communication with you.
  
24. We will set out to you our understanding of your concerns and ask you to confirm that we've got it right. We'll also ask you to tell us what outcome you're hoping for.

25. The person looking at your complaint will usually need to see any files we hold relevant to your complaint. They may also need to speak to any witnesses or anyone that can help with the investigation. If you don't want this to happen, it's important that you tell us and explain why this is. If you do not want us to do this we may be unable to investigate your complaint, but will discuss this with you.
26. Where possible we will find a simple solution to your problem.
27. We will aim to resolve concerns as quickly as possible and expect to deal with the most within 20 working days. If your complaint is more complex, we will:
  - let you know within this time why we think it may take longer to investigate and tell you how long we expect it to take.
  - let you know progress with the investigation, and give you regular updates, including telling you whether any developments might change our original estimate.
28. The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on the complexity and seriousness of the issues you have raised. In complex cases, we will establish an investigation plan.
29. In some instances, we may ask to meet you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.
30. We'll look at relevant evidence. This could include files, notes of conversations, letters, emails or whatever may be relevant. If necessary, we'll talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

### Stage 3: Internal review



31. If you believe your complaint has not been dealt with properly you can make a request for an internal reviewQualifications Wales.

32. To make a request for an internal review for consideration internally by Qualifications Wales, please write to our Chief Executive at the above address, with copy to the Head of Corporate Governance unless you have been notified differently when we write to you with the outcome.
33. In submitting your request for an internal review, you should include the following information:
  - state why you believe your complaint has not been managed properly
  - the remedy you are seeking
  - your full name
  - contact information
34. In submitting a request for an internal review, you are expected to submit a full and frank disclosure of all relevant facts.
35. You should submit your request for an internal review within 20 working days of receiving our response to the initial complaint..
36. If you cannot make your request for an internal review in writing, please telephone us on 0333 077 2701.

### **Dealing with your request**

37. We will normally acknowledge receipt of your request within 5 working days. Your request will be reviewed by our Chief Executive Officer normally within 20 working days. We will let you know the outcome of the review. If the Chief Executive Officer is personally involved in the issue raised or has been involved in the earlier investigation, then your request will be reviewed by someone independent, normally the Chair of the Board or the Chair of the Audit Risk and Assurance Committee.

### **Outcome**

38. If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be by letter or e-mail, for example. If necessary, we will produce a longer report. We'll explain how and why we came to our conclusions.
39. If we find that we got it wrong, we'll tell you what and why it happened. We'll show how the mistake affected you.

40. If we find there is a fault in our systems or the way we do things, we'll tell you what it is and how we plan to change things to stop it happening again. If we got it wrong, we will always apologise. We will also tell you how you can request a review of our decision.

## Ombudsman

41. If we fail to resolve your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can consider your complaint if you believe that you personally, or the person on whose behalf you are complaining have been treated unfairly or been disadvantaged personally due to an action by Qualifications Wales.
42. The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:
- phone: 0845 601 0987
  - e-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)
  - the website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
  - writing to: Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

43. There are also other organisations that consider complaints. For example, the Welsh Language Commissioner about services in Welsh. We will provide guidance to you about such organisations as appropriate.

## Learning lessons

44. We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our senior management team considers a summary of all complaints quarterly as well as details of any serious complaints. Our Board also considers our response to complaints once a year.
45. Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will let you know when changes we've promised have been made.

## Appendix A (of policy) Model Concern/Complaint form

### A: Your details

Surname	Forename(s):	Title: Mr/Mrs/Miss/Ms/if other please state:
Address and postcode:		
Your e-mail address:		
Daytime contact phone number		
Mobile number:		

Please state by which of the above methods you would prefer us to contact you

**Your requirements:** if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

### B: Making a complaint on behalf of someone else: Their details

Their name in full:
Address and postcode:
What is your relationship to them?
Why are you making a complaint on their behalf?

### C: About your concern/complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)

C.1 Name of the department/section or individual you are complaining about:

C.2 What do you think they did wrong, or failed to do?

C.3 Describe how you personally have suffered or have been affected.

C.4 What do you think should be done to put things right?

C.5 When and how did you first become aware of the problem?

C.6 Have you already put your concern to the staff responsible? If so, please give brief details of how and when you did so.

C.7 If it is more than 6 months since you became first aware of the problem, please give the reason why you have not complained before now.

C.8 Appropriate evidence that the event happened.

C.9 What would you like the outcome to be?

If you have any documents to support your concern/complaint, please attach them with this form. Please list them here:

Signature:

Date:

When you have completed this form, please send it to:  
[Name (central complaints hand)]