



## CORPORATE COMPLAINTS POLICY

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## **1. Qualifications Wales Corporate Complaints Policy**

1.1. Qualifications Wales is committed to dealing effectively with any concerns or complaints you may have about us. We aim to clarify any issues you may be unsure about. If we get something wrong, we'll apologise and where possible we'll try to put things right. We aim to learn from our mistakes and use the information we gain from complaints to improve our processes.

## **2. Who can use this policy?**

2.1. 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.

2.2. Complaints submitted on behalf of another individual must have their written permission for you to act on their behalf.

2.3. We will not consider complaints raised anonymously.

## **3. When to use this policy**

3.1. This policy provides a way for you to complain if you believe that we have performed or behaved poorly or inappropriately.

3.2. 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.

3.3. 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.

3.4. 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.

3.5. This policy does not cover:

- (a) Legal proceedings or judgements. These should be forwarded to the Executive Director, Finance and Corporate Services at [enquiries@qualifications.wales](mailto:enquiries@qualifications.wales)
- (b) Complaints relating to the offer or award of a contract for goods, works or services should be directed to the Head of Procurement at [enquiries@qualifications.wales](mailto:enquiries@qualifications.wales)
- (c) Employee raised grievances. These will be dealt through our internal HR policies.
- (d) 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.
- (e) 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.
- (f) Appeals about regulatory decisions. These should be made in accordance with our [Regulatory Appeals Policy](#).
- (g) 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](#);
- (h) 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](#).
- (i) Freedom of Information requests. Any concerns relating to requests made under the Freedom of Information Act will be dealt with under our Freedom of Information Procedure. Concerns relating to requests made under the Freedom of Information Act should be directed to the Head of Corporate Governance at [enquiries@qualifications.wales](mailto:enquiries@qualifications.wales)

## 4. What if I need help?

- 4.1. Our aim is to make sure we understand your complaint and will ensure this is the case.
- 4.2. To ensure equal access for all, we are committed to providing reasonable adjustment for complainants with a disability. In addition, we ensure that we give due regard to the three aims of the general duty of the Equality Act 2010. If you would like us to consider providing reasonable adjustments to help you when making a complaint, please let us know.
- 4.3. Reasonable adjustments could include:
  - Providing alternative formats of the complaints policy and associated documentation.

- Extending time frames to accommodate individuals who may require additional time due to their disabilities.
- Providing designated support and assistance to those who may need help understanding or navigating the complaints process.
- Taking a complaint orally if there are communication barriers.

4.4. 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:

Llewellyn House  
 Harbourside Business Park  
 Harbourside Road  
 Port Talbot  
 SA13 1SB  
 01792 765600  
 Freephone 0808 801 1000  
[post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)

4.5. We understand that sometimes an individual may need to make a complaint on behalf of a child/young person under the age of 18. We are committed to working with individuals on behalf of a child/young person who may need help to express their concerns or navigate the complaints process.

4.6. We also recognise the importance of enabling young people under the age of 18 to be engaged in the complaints process. When receiving a complaint made by an individual on behalf of a young person under the age of 18, we will seek to ensure the young person is engaged in the process unless there are compelling reasons not to do so.

## **5. Informal Resolution**

5.1. If possible, we believe it's best to deal with things straight away. If you have a concern, please raise it with an appropriate person; this could be the person or team you have been dealing with or the Head of Corporate Governance. They will try to resolve it for you there and then by fixing the issue or giving you an explanation for the action taken. If there are any lessons to learn from addressing your concern, the member of staff will draw them to our attention. If the member

of staff can't help, they will explain why and, if appropriate, explain how you can request a formal investigation.

- 5.2. Disagreement with the outcome of the informal resolution stage does not automatically provide a right to escalate to the formal stage of our complaints process. There may be times when we are unable to accept a complaint. For example, where the complaint falls outside the scope of our remit, is frivolous, vexatious, lacking in substance or made by an individual who does not have the necessary authority to act on another person's behalf. Additionally, if a complaint is made anonymously or does not provide sufficient information to initiate an investigation or resolution it will not be accepted. In cases where we are unable to accept a complaint, we will let you know why, and if possible, provide guidance on alternative avenues for seeking resolution.

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

- 6.1. 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@qualifications.wales](mailto:enquiries@qualifications.wales)
- 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

## **7. Dealing with your complaint**

- 7.1. 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.

7.2. 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.

7.3. 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.

7.4. Further information on our corporate complaints handling process can be found in Appendix 1.

## **8. What if there is more than one body involved?**

8.1. 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.

## **9. Outcome**

- 9.1. If we formally investigate your complaint, we will let you know what we find. We will communicate our findings with you using your preferred form of communication wherever possible. 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.
- 9.2. If we find that we made a mistake, we'll tell you what happened and why.
- 9.3. 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 make a mistake, we will always apologise.

## **10. Ombudsman**

- 10.1 If we do not succeed in resolving 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 has been treated unfairly or been disadvantaged personally due to an action by Qualifications Wales.
- 10.2 The Ombudsman normally 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
- 10.3. 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.

## **11. Information Commissioners Office**

- 11.1. If we do not succeed in resolving your complaint and it relates to how we have handled your personal information you may complain to the Information Commissioners Office.

11.2. You can contact the ICO in Wales by:

- phone: 0330 414 6421
- e-mail: [wales@ico.org.uk](mailto:wales@ico.org.uk)
- the website: <https://ico.org.uk/>
- writing to: Information Commissioners Office  
2 Floor, Churchill House  
Churchill Way  
Cardiff  
CF10 2HH

## 12. Learning lessons

- 12.1. 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.
- 12.2. 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.

## 13. What we expect from you

- 13.1. 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.
- 13.2. 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. Our [Unacceptable Actions by Complainants Policy](#) explains how we manage situations where we find that someone's actions are unacceptable.

## 14. Vexatious and Repetitious complaints

- 14.1. 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, or after all stages of review have been exhausted, with the intention 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.

## **15. Complaints Monitoring**

- 15.1. Non sensitive complaint information, e.g., trends and lessons learned, are shared with our Senior Leadership Group on a regular basis. This information is used to review our performance and ensure we learn from complaints and improve our services.

## **16. Privacy**

- 16.1. 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.

## Appendix 1

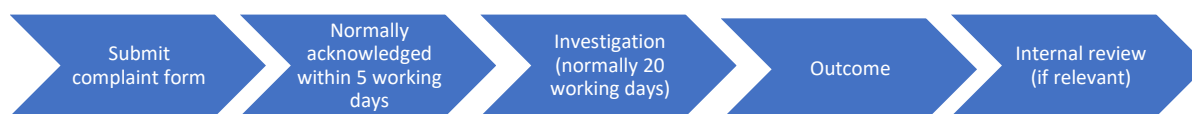
### Corporate Complaints Handling Process

#### 1. Stage 1: Informal resolution



- 1.1. 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.
- 1.2. 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 an appropriate person; this could be the person or team you are dealing with or the Head of Corporate Governance. They will try to resolve it for you there and then, either by fixing the problem or providing a further explanation. 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.

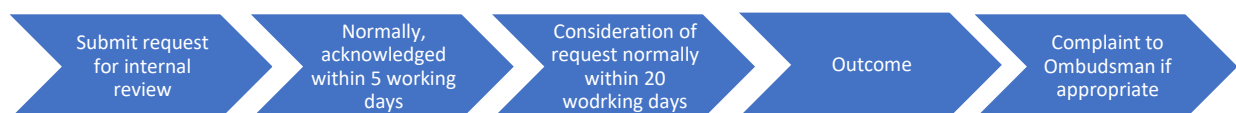
#### 2. Stage 2: Formal Complaint



- 2.1. 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.
- 2.2. 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.

- 2.3. 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.
- 2.4. Where possible we will find a simple solution to your problem.
- 2.5. 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.
- 2.6. 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.
- 2.7. 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.
- 2.8. 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.

### 3. Stage 3: Internal review



- 3.1. If you believe your complaint has not been dealt with properly you can make a request for an internal review by Qualifications Wales.

- 3.2. 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. 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
- 3.3. In submitting a request for an internal review, you are expected to submit a full and frank disclosure of all relevant facts.
- 3.4. You should submit your request for an internal review within 20 working days of receiving our response to the initial complaint.
- 3.5. If you cannot make your request for an internal review in writing, please telephone us on 0333 077 2701.
- 3.6. We will normally acknowledge receipt of your request within 5 working days.
- 3.7. Your request will be reviewed by our Chief Executive Officer normally within 20 working days.
- 3.8. We will let you know the outcome of the review.
- 3.9. 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, this would normally be our independent external reviewers, our external legal team, the Chair of the Board or the Chair of the Audit Risk and Assurance Committee.

## Appendix 2 (of policy) Qualifications Wales 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:

Head of Corporate Governance  
Qualifications Wales  
Q2 Building, Pencarn Lane  
Imperial Park  
Coedkernew  
Newport. NP10 8AR  
[enquiries@qualifications.wales](mailto:enquiries@qualifications.wales)