

## **Complaints policy and procedures**

### **Part A - Policy and background**

#### **1. General Scope**

This document covers complaints made by learners, centres or members of the public about OCNSWR. It should be noted that these procedures do not cover: complaints against OCNSWR centres, which are covered by each centre's own procedures; complaints by OCNSWR employees, which are covered by OCNSWR's internal procedures; appeals, which are covered by separate OCNSWR procedures; malpractice, which are covered by separate OCNSWR procedures.

It replaces all previous appeals policies and procedures as from the operative date.

#### **2. Regulatory authorities**

The relevant regulatory authorities are NOCN and the QAA.<sup>1</sup>

The relevant publications of the regulatory authorities are listed in Annex 1. Every attempt has been made to ensure that the provisions of this document are consistent with the requirements of the regulatory authorities. Where the requirements of the regulatory authorities change, or where inadvertently these procedures conflict with those of the regulatory authorities, the latter shall apply. Where the requirements of the regulatory authorities are amended and require changes to this document, such changes will be made as soon as practicable, and OCNSWR will inform centres accordingly.

#### **3. Definitions**

The following definitions shall apply

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| Complaint   | The process whereby a learner, centre or a member of the public makes representations to OCNSWR about some aspect of its operations, other than the result of an assessment, and seeks redress, recompense, or some change in OCNSWR operations. |
| Complainant | The person or organisation making the complaint  |

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<sup>1</sup> In the event of OCNSWR being approved by Ofqual as an awarding organisation, Ofqual would be included as one of the regulatory authorities

#### **4. Policy**

It is OCNSWR policy to acknowledge that things may go wrong and that as a learning organisation it must be able to learn the lessons from when they do. In dealing with complaints OCNSWR will take account of its policies in respect of equality and diversity. OCNSWR regards it as important that learners, centres and members of the public should have the right to complain about any aspect of OCNSWR and should not be discouraged from doing so. All complaints should be dealt with fairly and in a timely manner, and should be recorded so that analysis is facilitated. Individuals should not be discouraged from making complaints, unless they are vexatious, malicious or frivolous.

Where formal complaints are made, it is critical that they are responded to with an appropriate degree of formality and in such a manner as to ensure so far as possible that all concerned can have confidence in the process and the outcomes. The procedural policy set out below is designed to provide such confidence.

The range of potential complainants and subjects of complaint covered by this policy and procedures is wide, and the actual procedures to be followed in each case may need to be adapted to accommodate the type of complaint. Where adaptations prove to be necessary these will be agreed between OCNSWR and the complainant, provided that the principles below are adhered to.

- All complaints should be acknowledged speedily, recorded clearly, and resolved as quickly as possible and as practicable.
- Wherever possible complaints should be resolved informally.
- All formal complaints should state clearly the form of redress or recompense (if any) or change in operations (if any) which the complainant is seeking.
- It is preferable that formal complaints are made in writing, but where they are made orally, a note should be made and the complainant should confirm in writing the note as accurate.
- No-one should be deterred on financial grounds from making a complaint
- A complainant may be accompanied by a friend or colleague at any meeting arranged to discuss the complaint.
- No-one who was involved in the actions or behaviours complained against may be involved in determining the outcome of the complaint; no-one who was involved in determining the outcome of the complaint may be involved in determining the outcome of an appeal.

## 5. Scope

A complaint may be made about any aspect of the operations of OCNSWR over which it has control, including:

- the operation of OCNSWR services, systems, process and procedures, which may include:
  - unsatisfactory, incompetent, arbitrary or unfair treatment
  - undue delay
  - non-compliance with published procedures
- the actions or behaviour of OCNSWR employees
- the behaviour of members of the OCNSWR Board or of any of its committees
- the actions or behaviour of other persons or the operations of organisations contracted by OCNSWR to supply services on its behalf
- the operations of an OCNSWR recognised centre, but only where
  - those operations specifically fall specifically within the approval or control of OCNSWR as a consequence of its recognition of the centre, and
  - the complainant has exhausted the centre's own complaints procedures

OCNSWR will not investigate complaints:

- from OCNSWR staff where OCNSWR's grievance procedures would be appropriate
- which are contractual disputes
- which are being, or have been, considered by a court or similar body
- about OCNSWR recognised centres, unless the complaint falls within the scope defined above
- where the complainant has not exhausted any other available complaints procedures

OCNSWR will not normally investigate complaints

- more than three months after the decision or action complained about has been taken
- where OCNSWR considers the complaint to be vexatious, malicious or frivolous.

## **6. Responsibility**

Responsibility for this policy and procedures rests with the OCNSWR Board.

Overall responsibility for dealing with complaints and ensuring that they are resolved rests with the OCNSWR Chief Executive, but this responsibility is delegated on a day-to-day basis to the appropriate nominated member of the Senior Management Team.

## **7. Monitoring and Review**

An annual report on all formal complaints, and a summary of complaints resolved informally, will be considered by the appropriate committees of the Board. Action taken as a result of complaints should help to improve the quality of OCNSWR's service.

This policy and procedures will be reviewed biennially and whenever the requirements of the regulatory bodies change.

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| Version        | 1.4                                      |
| Approved       | OCNSWR Board, 23 <sup>rd</sup> July 2010 |
| Operative date | 23 <sup>rd</sup> July 2010               |
| Revised        | 23 <sup>rd</sup> July 2010               |

### **Part B Complaints Procedures**

## **Part B - Complaints Procedures**

### **1. Informal resolution**

Complaints should be resolved informally between the complainant and the appropriate member of OCNSWR staff wherever possible. Where complaints are resolved informally the member of staff should make a note of the complaint (where the complaint was made orally) and of the resolution and forward this to the appropriate nominated member of the Senior Management Team, so as to enable monitoring of complaints.

### **2. Formal resolution**

A complaint is regarded as formal, and requiring formal resolution, where it cannot be resolved informally, or is of a serious nature such that informal resolution is not appropriate.

### **3. Formal written complaints**

Formal complaints should be submitted in writing to the OCNSWR Chief Executive who will forward it to the appropriate nominated member of the Senior Management Team under whose responsibility the complaint will be considered. Where the nature of the complaint warrants it, it may be considered by the OCNSWR Chief Executive, in which case any subsequent appeal must be referred to the Chair of the OCNSWR Board.

Complainants should provide the following:

- name, address and contact details
- details of the complaint, including which aspect of ONCSWR's operations, or which actions or behaviour of which person they wish to complain about
- all supporting information that they wish OCNSWR to consider regarding the complaint e.g. relevant documentation, details of dates, locations and witnesses if appropriate
- details of any previous attempts to resolve the problem
- what action, response, recompense or redress they seek to resolve the complaint.

The appropriate nominated member of the Senior Management Team will acknowledge the complaint in writing within one week of receipt, and detail to whom the complaint has been referred for investigation.

The appropriate nominated member of the Senior Management Team will refer the complaint to the most appropriate senior member of staff to act as investigator and conduct an investigation and communicate with the complainant.

The investigation should be conducted as speedily as possible bearing in mind the nature of the complaint, and normally should be completed within four weeks - sooner if at all possible. Where it appears to the investigator that the investigation will take more than four weeks, he/she will inform the complainant and give the reasons for the delay, and take such steps as appropriate in order to avoid the complainant making a further complaint about the delay.

The investigation may include a meeting or meetings between the investigator and:

- the complainant, who may be accompanied by a friend or colleague
- any person or representative of any organisation referred to in the complaint

A written record of any meetings will be made.

At the conclusion of the investigation, the investigator will report to the appropriate nominated member of the Senior Management Team who will record the process of the investigation and provide recommendations. After consideration of this report the appropriate nominated member of the Senior Management Team will determine:

- the outcome of the complaint, including whether the complaint is upheld fully, in part, or rejected
- the actions that will be taken, if any, in response to the complaint, including where appropriate any recompense or redress
- the formal response to the complaint

The complainant will be informed in writing of the outcome within one week of the decision.

If the complainant is dissatisfied with the response to the complaint he/she may submit an appeal. Otherwise the complaint will be deemed to have been resolved.

#### **4. Appeals**

An appeal must be submitted within two weeks of receipt of the response. The appeal must be in writing and submitted to the Chief Executive (or the Chair of the OCNSWR Board where the investigation has been conducted by the Chief Executive<sup>2</sup>) and must state:

- the grounds for the appeal, which must relate to the response to the complaint, or the way in which the complaint was dealt with, and not merely reiterate the original complaint
- the particular aspects of the formal response to the complaint with which the complainant is dissatisfied
- what action, response, recompense, or redress the complainant seeks to resolve the complaint.

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<sup>2</sup> In such cases, all subsequent references to 'Chief Executive' should be read as 'Chair of the Board'

The Chief Executive will acknowledge the appeal in writing within one week of receipt.

Depending on the nature of the appeal, it will either be considered by the OCNSWR Chief Executive or by a Complaints Appeal Panel, comprising three members of the OCNSWR Board.

The OCNSWR Chief Executive or Complaints Appeal Panel will review all the written evidence and will have discretion to conduct the appeal according to the particular circumstances, which may include:

- conducting, or causing to be conducted on its behalf, a further investigation, provided that this is undertaken by a person different from that who conducted the original investigation
- conducting an appeal hearing to which shall be invited
  - the complainant, who may be accompanied by a friend or colleague
  - any person or representative of any organisation referred to in the complaint
  - any other person, including any person who has conducted the investigation
- seeking external advice or mediation

The appeal should be conducted as speedily as possible bearing in mind the nature of the appeal, and normally should be completed within four weeks, and sooner if at all possible. Where it appears to the OCNSWR Chief Executive or Complaints Appeal Panel that the appeal will take more than four weeks, he/she/it will inform the appellant and give the reasons for the delay, and take such steps as are appropriate in order to avoid the appellant making a further complaint about the delay.

The OCNSWR Chief Executive or Complaints Appeal Panel will determine:

- the outcome of the appeal, including whether the appeal has been upheld fully or in part, or rejected
- the actions that will be taken, if any, in response to the appeal including where appropriate any recompense or redress
- the formal response to the appellant

The appellant will be informed in writing of the outcome within one week of the decision.

The decision of OCNSWR Chief Executive or Complaints Appeal Panel is final.

## Annex 1

### Relevant publications by the regulatory authorities

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|--------|------|---|---|
| Ofqual | 2004 | <p>The statutory regulation of external qualifications in England, Wales and Northern Ireland</p> <ul style="list-style-type: none"> <li>- the awarding body's track record in respect of the volume of complaints it receives from users of its qualifications and the way in which it deals with those complaints (page 7)</li> <li>- complaints dealt with in a proper and timely fashion and in accordance with transparent and published procedures. (page 9)</li> </ul> | <a href="http://old.accac.org.uk/eng/content.php?CID=3&amp;PID=699">http://old.accac.org.uk/eng/content.php?CID=3&amp;PID=699</a>   |
| QAA    | 2005 | <p>Principles and criteria for licensing of AVAs</p> <ul style="list-style-type: none"> <li>- procedures to enable complaints to be received, considered and resolved fairly, including complaints from students and providers to the AVA in its role as an awarding body (criterion 2.12)</li> </ul>   | <a href="http://www.accesstohe.ac.uk/home/publications/recognition05/recog_principles.asp">http://www.accesstohe.ac.uk/home/publications/recognition05/recog_principles.asp</a> |