



Complaints Policy

Complaints Policy

Overview

The complaints policy seeks to ensure all parties concerned know how to direct their concerns to the appropriate personnel within the company (Professional Assessment Ltd, PAL, being the company), and where to address their complaints to an external agency.

Rationale

PAL will use its best endeavours at all times to provide, at the very least, a satisfactory service to all our clients and stakeholders. This policy explains how we document, resolve and record complaints.

Complaints may come from Apprentices or employers who have engaged in the endpoint assessment process. To suitably investigate and resolve complaints, where such claims involve the assessment company personnel, i.e. PAL, the company will need to know the nature of the charge; the name of the person or persons making the complaint and the name or names of the person or persons who are cited in the complaint.

In the absence of any pertinent information, the company will continue to investigate and resolve the complaint.

The complainant will be informed that the absence of such information could obstruct a fair and robust investigation and as such there may be good cause to overturn the complaint.

All stakeholders should be advised of the complaints policy and informed as to where they can locate the policy.

It is imperative that endpoint assessment personnel are familiar with the complaints policy and procedures and ensure that any complainant is apprised of how to make a complaint.

If a stakeholder wishes to take a complaint to an external agency such as the funding agency, it is essential that the company procedure is thoroughly exhausted before the external agency can get involved. An appeal or dispute regarding an assessment or IQA decision should follow the appropriate process and the complaints procedure, should not be utilised for assessment or quality assurance disputes unless the endpoint assessment organisation has committed a range of misdemeanours or infringements outside of quality assurance and assessment activities.

Complaint handling procedure

Complaints can be made in person or via a third party such as an employer complaining on behalf of an Apprentice and complaints can be made in person or via the phone or using our info@professionalassessment.co.uk email address.

All complaints will be logged by the company, and the procedure will note who the claim has been allocated to; the Quality Director will track the progress of the complaint and will close the complaint on a satisfactory resolution.

The service resolution will be communicated to the broader company, where it is judged there has been a process or systemic failure or misunderstanding, which could affect others if not rectified and addressed.

The **Quality Director** will review all complaints to establish **quality improvement requirements** and where the complaint relates to **operational processes, business development, data protection marketing or sales** the **Business Development Director** will review all complaints.

A complaint about the safety and/or wellbeing of a learner should be referred to the Lead Designated Safeguarding person¹, (for PAL this is the **Managing Director**) to establish if there is a safeguarding concern.

If the complaint pertains to the senior management team information the complaint should be directed to the Managing Director; if the complaint involves the Managing Director, the complaint should be referred to the Head of Compliance.

If an Apprentice or employer wishes to make a severe formal complaint, they will need to make this in writing. The complainant can be supported in preparing a written claim, and they should be encouraged to provide detailed information to enable a fair and robust investigation. Support can come from PAL, the representative Training Organisation or an organisation of the complainant's choosing. Note PAL will not pay for any fees incurred by the complainant for enlisting third-party support.

Complaints emanating from a supplier, shareholders and the external funding agency (ESFA) or other public or professional bodies, EQA bodies or the Institute for Apprenticeships (IfA) should be directed in the first instance to the Quality Director. The Quality Director will refer to the Business Development Director and/or the Head of Compliance, based on the nature of the complaint.

The Quality Director will reply to a formal complaint within four working days acknowledging the complaint. If the complaint can be resolved immediately, then the Quality Director should do so and check with the complainant that they are satisfied with the resolution and close out the claim.

If the complaint requires more detailed investigation and planning the Quality Director will reply to the complainant in writing or through email outlining the inquiry to be undertaken with projected timescales. If the Quality Director requires assistance in handling the complaint or evaluates the complaint to require senior management involvement, they should contact the SMT, who may exercise a judgement as to if the complaint, can be handled by the **Quality Director and Business Development Director** or requires additional senior management attention.

¹ Safeguarding information will be provided as part of IAG

A full investigation of the complaint must be independently carried out by the Quality Director, or a member of the SMT and a report will present findings and solutions to the complainant. **Where possible this should be completed within 30 working days of the complaint being received.**

Where a complaint has been resolved, the outcome should be noted, and as required the first person receiving the complaint will check that the complainant is satisfied with the result and that the corrective action has been implemented.

The company reserves the right not to uphold a complaint, where the findings of the investigation find endpoint assessment personnel are compliant with company policies and procedures and there is no infringement with external regulations or rules. In these circumstances, the company will advise the complainant of their decision and the reasons for this.

In the case of malicious or unfounded complaints, the company will seek advice and take any action necessary to protect the company's reputation and assets.

If a complaint cannot be resolved to the satisfaction of the complainant, then the file will be passed to the Managing Director for all matters who will seek to address the issue directly or involve any third party or legal advisor. All complaint documentation will be recorded and stored for three years, at which point the complaint information will be securely archived. Information relevant to the complaint and the resolution should be communicated as appropriate to prevent the re-occurrence of such events and to facilitate continuous improvement.

In the case of complaints that are a result of company procedural failure such complaints will be evaluated at a senior level, with required changes to company policies or procedures being agreed as needed and deemed as acceptable to the Senior Management team.

Involving the Education Skills funding agency (ESFA)

Where a complaint is made in connection with a government-funded programme the complainant has the right to include the funding body, however, there are requirements that all complainants need to be advised of, before they approach the agency.

The following guidance, protocols should be adhered to:

- If the complaint relates directly to the endpoint assessment organisation then resolution should first be sought with this institution;
- the external agency will need to confirm that the company's complaint procedure has been thoroughly exhausted before responding to a complaint (unless the complaint is an allegation relating to irregularity and/or fraudulent practice, in this situation the agency may see it as acceptable for the charge to go directly to them)

The Role of the Agency and Institute for Apprenticeships and EQAs

A complaint will be investigated in accordance with the Agency's procedure for investigating Complaints about Approved Assessment Organisations.

The Agency's role is primarily to ensure that the endpoint assessment organisation procedures are working effectively and the likelihood is they would refer the complaint to the relevant EQA body or in certain situations the Institute for Apprenticeship Board. The Agency reviews the processes the organisation has gone through when dealing with your complaint and the decisions that have been made. The Agency will not substitute its judgment for the organisation's where the organisation has followed its procedures, and the conclusion is reasonable.

Types of complaint

The types of complaint that the Agency can consider are:

- the quality or management of the endpoint assessment provision, the agency may refer such a complaint to the relevant EQA
- undue delay or non-compliance with published procedures
- poor administration by the EPA organisation
- equality and diversity² issues (except where there is a more appropriate mechanism for dealing with the matter through the courts, tribunals or other organisations)
- health and safety concerns (unless these are issues for the Health and Safety Executive)

The types of complaints the Agency cannot consider are:

- Examination/test results or assessment decisions or quality assurance decisions where a more appropriate form of redress would be the IfA, awarding organisations, the EQA body, or the Office of Qualifications and Examinations Regulation (Ofqual's) (the company appeals and disputes procedure should be utilised here)
- Individual employment issues (not in the wider public interest) which are a matter for the employer and the employee, where employment law provides appropriate remedies
- Contractual, service level disputes such as those arising from a contractual agreement between the complainant and the organisation
- Matters that are the subject of legal action, or where court proceedings are the most appropriate way of resolving the dispute.

In all cases where there is a valid case for the complaint being referred to an external body, the receiving agency point is responsible for guidance and information they provide or signpost the complainant to:

- **Complaint procedure where involving external agencies**

Firstly the complainant must exhaust the endpoint assessment organisation complaints procedure. If the complainant is unhappy with the outcome of an investigation and the resolution made, at that stage, they should refer to the relevant external agency

The complaint should be **referred to the Agency within three months** of the endpoint assessment company's decision. The reason for this is that it can be challenging to investigate complaints reasonably where an extended period has passed since the events complained about took place.

² Safeguarding issues may be referred to the ESFA where the EPAO has a case to answer in terms of procedural non-compliance otherwise it would be expected that all safeguarding concerns would be reported via the appropriate bodies

➤ **What will external agencies do?**

An external agency, including the ESFA, will typically ask the complainant to put the complaint in writing. If the complainant has difficulty providing details in writing, the receiving agency should consider alternative ways of receiving the information.

In most cases, the external agencies will need to identify the complainant to the endpoint assessment organisation; this will assist all parties in investigating an individual complaint. They will check with the complainant before doing so, but it can be difficult to conduct an inquiry into a personal complaint without revealing the person's name.

External agencies should encourage the complainant and the endpoint assessment organisation to reach an agreement on the complaint, wherever possible. If this is not possible, they will investigate the way in which the endpoint assessment organisation has dealt with the claim and whether their conclusions are reasonable and justified.

If the complaint is justified, the external agencies may make recommendations to the endpoint assessment organisation to remedy any difficulties the complainant has suffered or to prevent the situation from happening again. These recommendations will be followed up by the respective agency with the endpoint assessment organisation.

Allegations of irregularity or suspected fraud

It would be expected that such charges would be referred to the relevant EQA and the ESFA and it is likely that both bodies would investigate such an allegation. Unlike complaints, it may not be possible for allegations of impropriety to have been raised with the EPAO before contacting the relevant personnel in the external agencies.

It is anticipated that the external agencies will investigate allegations such as fraud, financial irregularity, and other malpractice where there is a public interest in the charge being made.

PAL will conduct itself in accordance with its fraud and anti-bribery and corruption policies.

Register for Endpoint Assessment Organisations formerly the register for Approved Apprenticeship Assessment Organisations

Where a complaint has been made, and the above organisation specifies their requirements regarding complaint handling, PAL will respond accordingly.

Date Created: 6th June 2017

Last Review: 8th July 2019

Next Review: 6th December 2020

Person Responsible for review: Business Development Director

This Policy has been agreed by Linda Martin, Managing Director