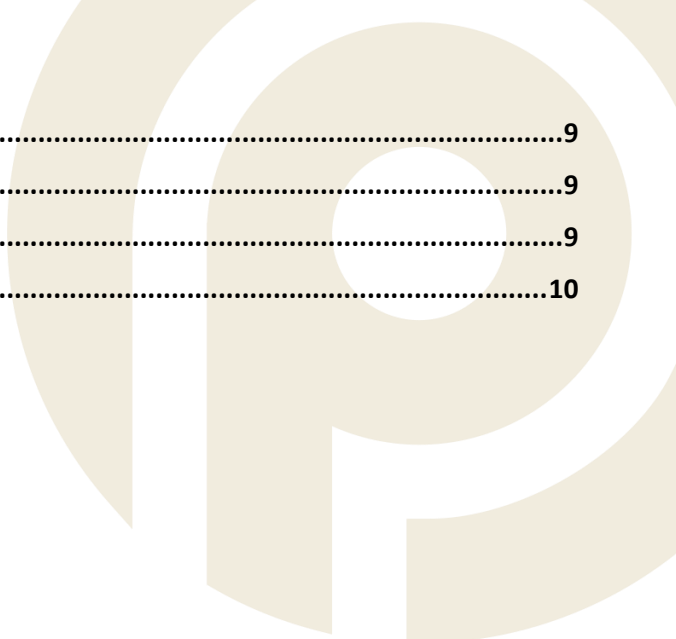


Complaints Policy

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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.

We welcome feedback which helps us to improve the services and products we provide. We understand that sometimes things go wrong, or there is a mismatch of expectations, but if that is the case, we want to prevent the same issues or misunderstandings from reoccurring.

Policy Scope

This policy is specifically for anyone who has a legitimate complaint against PAL's services, in terms of service failure or unprofessional conduct of PAL personnel. This policy should be read in conjunction with PAL's customer service statement and documents such as PAL's EPA Manual.

This policy should not be used for matters concerning enquiries into assessment results or the imposition of legitimate sanctions as a result of robust and fair investigations into maladministration or malpractice.

Who is this policy for?

This policy is for all our customers, suppliers and stakeholders which include apprentices (learners), employers and providers.¹

Purpose

PAL wants to deliver an effective and valued service to our clients and be respected by any supplier and third party who we are engaged with, still we recognise that at times, things can go wrong, and it is important if any stakeholder feels PAL has not responded in a fair and open manner, they have a right to complain.

Conditions for being on the ESFA approved provider and EPAO register place a duty and expectation on PAL to have a published complaints policy that is reviewed by the PAL Board. Ofqual's condition of recognition also place an expectation on PAL to have a range of policies that allow relevant parties to question or challenge the service offering, as discharged by PAL.

This policy relates to all of PAL's work, so the complaints policy applies to our Audit and Compliance services, as well as PAL's end-point assessment work.

How to make a complaint

To help us resolve a complaint or address specific concerns, it helps to have as much information as possible, in respect of **what** has happened, **when** the event happened and **who** was involved and **contact details**.

Information required:

- Please include the following information, as this will help us to address your concerns or queries:
- your name and preferred contact details
- name of your organisation and job title if you are an employer, provider, partner, supplier, apprentice
- The activity or apprenticeship standard and assessment your complaint relates to
- A description of your complaint, to include where possible dates, times, Professional Assessment Ltd involvement
- Supporting information- if you have any

In the absence of any pertinent information, PAL will continue to investigate and resolve the complaint, as best it can. The complainer 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. PAL will treat all complaints with respect and seek to handle all matters in a sensitive and constructive manner. We respect people's confidentiality

¹ Includes employers, all providers (ITPs and Colleges), third parties and centres

and the information we ask for to resolve a complaint in only that which is necessary to carry out a reasonable and fair investigation.

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 enquiry regarding an assessment activity or assessment decision should follow PAL's appeals and enquiry procedure. **The complaints procedure should not be utilised for assessment or quality assurance disputes unless the endpoint assessment organisation, in this case Professional Assessment Ltd, has committed a range of misdemeanours or infringements, which are not exclusive to assessment activities.**

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 free phone **0800 160 1899** or using our info@professionalassessment.co.uk email address.

Do I need to make a complaint within a given timescale?

If you wish to make a complaint, you have 15 working days from the event or incident taking place, that is the cause of your complaint. Any complaints received after this duration will be at PAL's discretion to respond to, unless there are exceptional and extenuating circumstances which meant you were unable to meet this timescale.

Who will review my complaint?

All complaints will be logged by Professional Assessment Ltd (PAL), and the Business Operations Director will assign a member of the PAL team to review the information provided and handle the complaint, or they will handle the complaint directly. In the absence of the BOD, either the Qualifications Director or Managing Director will oversee the assignment of who in PAL reviews and follows up on the complaint.

A complaint about the safety and/or wellbeing of a child or adult at risk will be referred to the Lead Designated Safeguarding person¹, (for PAL this is the Managing Director) to establish if there is a safeguarding concern. A complaint regarding invoicing, charges, accounts payable will be addressed by the Business Operations Director. A complaint regarding the assessor's conduct will be addressed by the Business Operations Director, in the first instance. If the complaint pertains to assessment practices or assessment outcomes, the Quality Manager will address this complaint, under our appeals and enquiries policy.

Enquiries regarding assessment results must be made to PAL within 15 days of receiving the results, such enquiries will be treated in accordance with PAL's appeals and enquiries policy. A complaint regarding personal data processing can be made via the info@professionalassessment.co.uk address, please mark for the attention of the Data Protection Officer (DPO).

For enquiries or communication re amending or correcting details, please in the first instance contact the EPA team on epasupportservices@professionalassessment.co.uk. Please refer to our data protection and privacy policy regarding data subject rights and Subject Access Requests.

If the complaint pertains to PAL's 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 Director of Audit and Compliance.

In making a formal complaint, 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 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, the external funding agency (ESFA), the , or any other relevant regulatory body (excluding Ofqual) or other public or professional bodies, or the Institute for Apprenticeships (IfATE) should be directed in the first instance to the Business Operations Director.

Complaints from the qualifications regulator Ofqual should be directed to the Qualifications Director, PAL's Responsible Officer, in their absence the complaint should be directed to PAL's Managing Director the Deputy Responsible Officer.²

All complaints³ will be logged, and PAL's Business Operations Director will monitor resolution progress. In some cases, dependent on the nature of the complaint, PAL may need to notify the relevant regulatory bodies before they have concluded their own internal investigations.

PAL reserves the right not to uphold a complaint, where the findings of the investigation find PAL 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.

In the case of complaints that are a result of company procedural failure such complaints will be evaluated by the PAL Directors with required changes to company policies or procedures being agreed as necessary.

Apprentices/ Learners

We want to help apprentices as much as possible, but some questions or complaints may need to be raised with your employer, training provider or college in the first instance. Indeed, complaints or concerns you have about your on-programme training experience should in the first instance be addressed with your employer and training provider.

Complaints about your trainer; training provider or college or employer

If you are unhappy about any element of your training programme, you need to give the relevant person and organisation the opportunity to review your complaint and respond to your concerns, before contacting us. The exception to this is where you have evidence that someone has committed malpractice that has the potential or has in your opinion affected an assessment outcome.

Please refer to PAL's maladministration and malpractice policy if you wish to notify PAL of any concerns you have about the integrity or reliability of any assessment activities.

It should be noted that even when you have exhausted your training provider/college or employer's complaints procedures there will only be certain matters PAL can help with, typically these will be EPA focussed.

If you are concerned about how an assessment undertaken by PAL has been conducted, and the concerns is not a malpractice concern, nor do you wish to make an appeal or an enquiry about an assessment decision, then contact us via the means, provided earlier on in this policy.

Once I have made a complaint what can I expect

Your complaint will be logged and passed onto the team and person best placed to review and resolve the complaint.

You may receive a response to your complaint by email or phone, whichever is the most appropriate and if you note in your initial complaint or feedback what is the best method and time to contact you, we will do our best to meet these requirements. We aim to respond to complaints in **ten working days, although we may acknowledge receipt of your complaint within a shorter timescale.**

² In the case neither the RO or DRO are available, complaints from Ofqual should be directed to PAL's Resource Development Lead

³ In the case of complaints regarding our audit and compliance activities, the Business Operations Director retains the responsibility for the initial acknowledgement of the complaint and opening a record in PAL's governance reporting system, but in most cases the handling of the complaint is passed onto the Director of Audit and Compliance.

Sometimes to investigate your concerns or feedback fully and provide an accurate and full response, we will need longer than ten days. If this is the case, we will advise you of the fact and keep you updated as to our progress.

I am not happy with the outcome of my complaint. What can I do next?

If you don't believe we have given you a reasonable response to your complaint, you can submit further feedback and comments, using the contact methods previously described. The Business Operations Director will review all the information to check we have followed the correct procedures, considered all the information you have provided, and that of any others where our investigation needed us to gather third party testimony to provide a complete picture of the events and we have helped you as much as we can.

The Business Operations Director will provide feedback within ten working days of receiving any additional information or feedback.

What can I do if I've exhausted PAL's complaint procedures?

We hope to avoid such an occurrence but if you have followed PAL's complaint procedure and are not satisfied with the outcome and want to take your complaint further, then it might be appropriate you contact the relevant regulator or government department or agency.⁴

Complaints with different procedures

Some types of complaints have their own specific process, for example malpractice or maladministration. If you suspect or witness malpractice, please email PAL at apprenticemalpractice@professionalassessment.co.uk. The relevant team will respond to you and any information you provide will be treated sensitively. We will investigate allegations of maladministration and malpractice in any of our assessments.

In the case of an enquiry or concern, or dissatisfaction with an assessment decision please use the following email address: epaappeals@professionalassessment.co.uk

Training Providers/Colleges/Employer Providers

If you have a problem or concern with our service, our EPA team may be able to help you before you make a complaint. You can contact us by using the contact details provided on the first page of this policy.

What information do I need to provide?

In addition to providing information as detailed on the first page of this policy, please make sure you state the organisation you are from and ideally provide your UKPRN; and note whether the complaint is about access to or the quality of support materials; accessing EPAPro; the gateway process; the assessment planning meeting or any aspect of the assessment itself.

If your complaint is about maladministration and malpractice, please refer to our malpractice policy. If you wish to discuss an assessment result, please refer to the appeals and enquiry policy.

Once I have made a complaint what can I expect

Your complaint will be logged and passed onto the team and person best placed to review and resolve the complaint.

You may receive a response to your complaint by email or phone, whichever is the most appropriate and if you note in your initial complaint or feedback what is the best method and time to contact you, we will do our best to meet these requirements. We aim to respond to complaints in ten working days although we may acknowledge receipt of your complaint within a shorter timescale.

Sometimes to investigate your concerns or feedback fully and provide an accurate and full response, we will need longer than ten days. If this is the case, we will advise you of the fact and keep you updated as to our progress.

⁴ Please note planned changes for a National Skills Board and changes to APAR means agencies such as the Institute for Apprenticeships and Technical Education (IfATE) and the Education Skills Funding Agency (ESFA) may not respond to or handle a complaint

I am not happy with the outcome of my complaint. What can I do next?

If you don't believe we have given you a reasonable response to your complaint, you can submit further feedback and comments, using the contact methods previously described. The Business Operations Director will review all the information to check we have followed the correct procedures, considered all the information you have provided and that of any others where our investigation needed us to gather third party testimony to provide a complete picture of the events and we have helped you as much as we can.

What can I do if I've exhausted PAL's complaint procedures?

We hope to avoid such an occurrence but if you have followed PAL's complaint procedure and are not satisfied with the outcome and want to take your complaint further, then it might be appropriate you contact the relevant regulator or government department or agency.

Complaints with different procedures

Some types of complaints have their own specific process, for example malpractice and maladministration. If you in your capacity as a provider of training, you suspect, or witness malpractice please email PAL at eitpmalpractice@professionalassessment.co.uk. The relevant team will respond to you and any information you provide will be treated sensitively. We will investigate allegations of malpractice and maladministration in any of our assessments.

Complaints regarding audit and compliance activities should in the first instance email PAL, using our info@professionalassessment.co.uk address, the complaint will be handled the Director of Audit and Compliance.

Employers

If you have a problem or concern with our service, our EPA team may be able to help you before you make a complaint. You can contact us by using the contact details provided on the first page of this policy.

What information do I need to provide?

In addition to providing information as detailed on the first page of this policy, please make sure you state the organisation you are from the standard/assessment plan the complaint relates to; whether the complaint is about access to or the quality of support materials; accessing EPAPro; the gateway process; the assessment planning meeting or any aspect of the assessment itself.

If your complaint is about malpractice or maladministration, please refer to our maladministration and malpractice policy. If you wish to discuss an assessment result, please refer to the appeals and enquiry policy.

Once I have made a complaint what can I expect

Your complaint will be logged and passed onto the team and person best placed to review and resolve the complaint.

You may receive a response to your complaint by email or phone, whichever is the most appropriate and if you note in your initial complaint or feedback, what is the best method and time to contact you, we will do our best to meet these requirements. We aim to respond to complaints in **ten working days although we may acknowledge receipt of your complaint within a shorter timescale.**

Sometimes to investigate your concerns or feedback fully and provide an accurate and full response, we will need longer than ten days. If this is the case, we will advise you of the fact and keep you updated as to our progress.

I am not happy with the outcome of my complaint. What can I do next?

If you don't believe we have given you a reasonable response to your complaint, you can submit further feedback and comments, using the contact methods previously described. The Business Operations Director will review all the information to check we have followed the correct procedures, considered all the information you have provided

and that of any others where our investigation needed us to gather third party testimony to provide a complete picture of the events and we have helped you as much as we can.

What can I do if I've exhausted PAL's complaint procedures?

We hope to avoid such an occurrence but if you have followed PAL's complaint procedure and are not satisfied with the outcome and want to take your complaint further, then it might be appropriate you contact the relevant regulator or government department or agency.⁵

Complaints with different procedures

Some types of complaints have their own specific process, for example maladministration and malpractice. If you in your capacity as an employer, you suspect, or witness malpractice please email PAL at **eitpmalpractice@professionalassessment.co.uk**. The relevant team will respond to you and any information you provide will be treated sensitively. We will investigate allegations of malpractice in any of our assessments.

In the case of a complaint about an assessment decision please use the following email address: epaappeals@professionalassessment.co.uk

Contractors, Suppliers and Third Parties

What information do I need to provide?

Full contact details, how best to contact you and the details of your complaint, and where appropriate any reference to specific clauses of a service level contract and what attempts you have made to address this with PAL informally, prior to now making a formal complaint.

Once I have made a complaint what can I expect

The relevant commissioning Director from PAL will review the information, in most cases this will be the Business Operations Director or Managing Director, but for some aspects of commissioning such as the hire of development consultants, commissioning of test platforms or PAL's governance reporting platform, the Qualifications Director would review the information in the first instance.

The complaint will be logged by PAL in PAL's governance system and the lead Director will undertake an investigation, either directly or they may assign a senior member of the PAL team to review your complaint.

You may receive a response to your complaint by email or phone, whichever is the most appropriate and if you note in your initial complaint or feedback what is the best method and time to contact you, we will do our best to meet these requirements. We aim to respond to complaints in ten working days although we may acknowledge receipt of your complaint within a shorter timescale.

Sometimes to investigate your concerns or feedback fully and provide an accurate and full response, we will need longer than ten days. If this is the case, we will advise you of the facts and keep you updated as to our progress.

I am not happy with the outcome of my complaint. What can I do next?

If you don't believe we have given you a reasonable response to your complaint, you can submit further feedback and comments, using the contact methods previously described. Another PAL Director will review all the information to check we have followed the correct procedures, considered all the information you have provided and that of any others where our investigation needed us to gather third party testimony to provide a complete picture of the events and we have helped you as much as we can.

⁵ Please note planned changes for a National Skills Board and changes to APAR means agencies such as the Institute for Apprenticeships and Technical Education (IfATE) and the Education Skills Funding Agency (ESFA) may not respond to or handle a complaint

What can I do if I've exhausted PAL's complaint procedures?

We hope to avoid such an occurrence but if you have followed PAL's complaint procedure and would like to take your complaint further, then you may have to consider an external agency such as the relevant ombudsman and lodge your complaint with them.

Continuous Improvement

Information gathered during the complaints process may also be used by PAL as evidence to inform and review our approach to the development, delivery and claiming of assessment outcomes and apprenticeship certificates.

Where a complaint has identified an adverse effect, PAL will notify the relevant regulator and undertake appropriate investigations and actions as required by the regulatory conditions.

If the outcome of a complaint could impact on others, PAL will review relevant procedures, to mitigate the impact or re-occurrence of the event and communicate with all concerned parties. The assigned responsible Director, based on the nature of the complaint, will oversee such communications, using contact details provided to PAL.

Review

This policy will be reviewed as a minimum, on a yearly basis.

Regulatory references

PAL is required to establish and maintain compliance with regulatory conditions and criteria. This policy relates to Ofqual General Conditions of Recognition: Reviewing Approach D3; Responding to enquiries from Users of qualifications D4; Complaints appeals and complaints process I2.

Date Created: 6th June 2017

Last Review: 02/09/2024

Next Review: 02/09/2025

Person Responsible for review: Business Operations Director

This Policy has been agreed by Linda Martin, Managing Director

Appendix One- Complaints Privacy Notice

Why we need your information and how we use it

It is necessary for us to collect and hold personal information about you to investigate and administer your complaint. If you make a complaint to PAL, we will hold the information you provide to us securely and use it to help us to handle and process your complaint.

PAL will process your personal data to meet our legitimate purposes and provide a service to our stakeholders. In relation to complaints, this is specifically to enable PAL to:

- Investigate complaints regarding the development, delivery, or award of regulated qualifications and standards
- Carry out investigations of PAL personnel or other individuals, or third parties, for the purposes of considering their compliance with PAL's policies and procedures and any regulatory conditions in respect to offering regulated assessments and meeting the conditions of being a registered EPAO with Ofqual and the ESFA
- Take action to address the complaint and avoid further incidents of the same nature

For more information about how PAL processes personal data, please refer to our Personal Data Protection and Privacy Policy

The lawful basis we rely on to process your personal data is⁶

6 (1)(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

6 (1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

6 (1) (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, where the data subject is a child.

Article 9(2)(g) – processing is necessary for reasons of substantial public interest...which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and interest of the data subject. In respect of this condition, PAL would process data for statutory and government purposes; to ensure equality of opportunity or treatment; regulatory requirements and support for individuals with a particular disability or medical condition and safeguarding of children and individuals at risk.

PAL is a regulated (qualifications and standards organisation), delivering end-point assessment for a range of apprenticeship standards, working with apprentices, employers, and providers. PAL also offers a commercial and independent audit and compliance function.

PAL is subject to regulation by the qualifications regulator Ofqual. Examples of complaint topics that would be subject to Ofqual conditions, include in the context of the complaints policy, a complaint pertaining to the application and approval of reasonable adjustments in assessments and in specific cases, depending on the circumstances this may extend to the processing of special considerations applications.

6 DPA 2018 Schedule 1 Paragraph 2 (6)

Additionally, complaints in how we have addressed any disclosures regarding an individual's well-being and safety, from either PAL personnel or others, PAL's Appropriate policy for processing Special Category Data would be applied in any processing of data and sharing of information with relevant authorities and bodies. Our processing of data in this context is for the purpose of substantial public interest and necessary for the carrying out of our role in addressing complaints of our handling of incidents that collect, process, or review special category data.

What personal data we collect and who has access to it

We will ask for your name, (address)⁷, contact number and email address. We will also ask you what your complaint is about, including which individual or individuals or act it relates to, if the complaint is directed at PAL. If the complaint is directed to another party, not PAL, but an individual or organisation PAL is associated with, we will need basic information regarding the nature of the complaint, to establish if the complaint should be handled by PAL, or if the complaint should be directed elsewhere.

If your complaint is about how your data has been handled, please refer to our Data Protection and Privacy Policy and address your concerns in accordance with this policy. Information regarding how you can contact the DPO, is also at the end of this privacy notice.

To ensure PAL deals with your complaint equally and fairly, all complaints sent to other departments or individuals in PAL, including the Managing Director or board members, will be treated in accordance with our complaints policy.

Your information may be shared internally with PAL staff in relevant departments in order that we can handle, investigate, and respond to your complaint.

We may also share details of your complaint with third parties such as an employer or provider to investigate your complaint, if you are an apprentice complaining about any aspect of your EPA experience. Please note enquiries regarding assessment decisions or outcomes should make use of the relevant appeals and enquiry policy.

We may also share your information with other organisations, such as government departments, enforcement agencies and the police if we think it is necessary to do so.

There may also be certain circumstances where we are required, by law, to share your information.

Where your personal data is stored and how long we keep it

Your personal data will be stored securely in PAL's management information and governance reporting systems and email systems. Access to detailed information in relation to the complaint is strictly controlled and reviewed and only a PAL Board Director to approve and authorise any access to your information in these matters. Complaints are also logged, the log contains basic information regarding the timelines and the nature of the complaint, for audit and continuous improvement activities.

PAL will hold details of your complaint, including your personal details, if it is in connection with EPA for six years.

If your complaint is in relation to another matter, PAL will hold the data and information relating to the complaint for a period of three years.

Your rights

PAL is committed to being transparent about how it collects and uses your personal data and to meeting its data protection obligations. PAL is a Data Controller under data protection legislation, and we comply with the data protection principles when processing your personal information.

⁷ We will only request a physical, location address, if you wish us to correspond with you in writing, or if the appropriate regulatory bodies require us to correspond investigation details and outcomes, in writing with you.

Under data protection legislation, you have a number of rights. You can:

- access and obtain a copy of your personal data
- require PAL to rectify / change incorrect or incomplete personal data
- require PAL to delete / erase your personal data (in certain circumstances)
- request PAL restrict the processing of your personal data (in certain circumstances)
- request your personal data in a portable format
- object to the processing of your personal data (in certain circumstances)

In terms of restricting how PAL processes your personal data, please be aware that we cannot guarantee your confidentiality. We may need to disclose your identity where we are required to do so, for example, by law. We do, however, take the issue of maintaining the confidentiality of those making a complaint seriously and we will protect your identity as far as possible. You should also recognise that you might be identifiable by others due to the nature or circumstances of your complaint.

If you would like to exercise any of the data subject rights, please contact PAL's Data Protection Officer via email at: info@professionalassessment.co.uk.

You can also write to the Data Protection Officer at:

Professional Assessment Ltd Connect House, Kingston Road, Leatherhead, Surrey. KT22 7LT

To access privacy notices for Ofqual the qualifications regulator please visit their [privacy notice charter](#)

To access privacy notices for the ESFA please visit their [privacy notice](#)

To make a complaint please refer to the complaints policy and how to contact PAL