

Public

Xact Assessment: Complaints Policy

1. Introduction

Xact is committed to providing a high quality service. In order to achieve this we welcome feedback about the services we provide, and to be informed when we fall below the standards we set ourselves. We aim to resolve complaints as quickly as possible.

Note¹: Complaints process cannot be used about matters involving assessment or personal data. These should be raised through either Appeals Policy or Data Management Policy.

We aim to:

- a) Manage complaints in a consistent, fair and confidential manner.
- b) Follow national guidance.
- c) Provide a process which is fair, clear and easy to use for those wishing to complain
- d) Provide website access to this policy and associated forms.
- e) Investigate and respond in a timely manner to complaints.
- f) Record, monitor and review complaints.
- g) Gather information to review and improve our services.
- h) Periodically review policy
- i) Provide an audit trail for regulators.
- j) Ensure our staff understand the complaints process.

2. Definitions

Appellant: An individual or organisation appealing the outcome of a complaint

Complaint: An expression of dissatisfaction from an individual or organisation about the standard of service or actions by Xact or its representatives

Complainant: An individual or organisation making a complaint

Complaint Procedure: A standard, time-limited, sequenced and documented process for Xact and complainant to follow when a complaint is made

Ofqual: The Office of Qualifications and Examinations Regulation (Ofqual) regulates qualifications, examinations and assessments in England. Ofqual is a non-ministerial department.

PMG: Performance Management Group consisting of Directors and an Independent Governance Advisor

Staff: Employee, agency worker, contractor, sole trader volunteer e.g. manager, supervisor, administrator, assessor, mentor, internal quality assurer, end point assessor etc.

Timely: A reasonable duration in each particular case based on the facts and circumstances of the situation

Xact: Xact Assessment trading name of Xact Training Limited

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3. Complaint

Individuals or organisations have the right to complaint if they believe, for example, that:

- a) They received treatment in contravention of our Equality, Diversity and Inclusion Policy
- b) They were treated inappropriately e.g. unfairly or rudely etc.
- c) They received a poor standard of service.
- d) We failed to take appropriate action i.e. we omitted to act when we should have done.
- e) We failed to follow our own policies

4. Unreasonable Behaviour

4.1 Unreasonable Demands

A demand may be unreasonable if responding could take up an excessive amount of time and is disproportion to the matter.

We may decide a demand is unreasonable if, for example, the complainant:

- a) demand responses within an unreasonable timescale
- b) insists on seeing or speaking to someone more senior or a particular member of staff when that is not possible
- c) persistently changes what the complaint is about
- d) makes demands about a matter already under investigation
- e) continues to raise new or unrelated concerns

4.2 Unreasonable Contact

The number of times we are contacted, or duration of each contact may become unacceptable when the amount of time spent receiving, investigating, responding, reviewing, corresponding is disproportionate to the complaint.

4.3 Managing Unreasonable Behaviour

We will take appropriate action if we consider that behaviour is unacceptable or unreasonable, e.g.

- a) restricting or ending contact regarding complaint
- b) restricting or ending contact on all matters
- c) future contact is through a specific member of staff or third party
- d) ending contact entirely or for a period of time
- e) reporting matter to police i.e. if violence is threatened
- f) take any other appropriate action e.g. blocking calls, returning correspondence etc

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- g) please also see:
 - i) Section 8.2 Unfounded complaints
 - ii) Vexatious or Malicious Behaviour Policy
 - iii) Standards of Behaviour and Appearance Policy: Individuals

5. Responsibilities

- a) **Complainant:** Responsible for submitting a complaint. See Section 6.
- b) **Complaint Manager:** Responsible for managing a complaint. See Section 7.2.
- c) **Investigator:** Responsible for investigating a complaint. See Section 7.3.
- d) **PMG:** Responsible for this policy and its compliance. See Section 7.4.

6. Making a complaint

Complainants¹ must:

- a) Complain in a timely² manner
- b) Include in their complaint:
 - i) Specific matter to which their complaint pertains. See Section 3 for examples
 - ii) Provide evidence which supports their complaint
- c) Raise their complaint at the appropriate sequential stage:
 - i) Informal complaints via Stage 1 process
 - ii) Formal complaint via Stage 2 process
 - iii) Complaint appeals via Stage 3 process
- d) Email written complaints: complaints@xact-assessment.org.uk

Note¹: Complaints are only accepted from individuals or organisations affected by complaint i.e. complaint cannot be submitted by a third party on behalf of someone else except when an individual is incapacitated due to a serious medical condition.

Note²: Some complaints have specific time frames

6.1 Stage 1: Informal Complaint

An informal complaint is one which can be resolved quickly and in a low-key manner through discussion (written or verbal).

- a) Complainant raises their complaint either verbally or by email in a timely manner
- b) Complaint recipient:
 - i) acknowledges complaint by email within three working days of complaint receipt
 - ii) consults with Complaint Manager to determine an appropriate response and responder¹
- c) Provide an appropriate response within five working days

Note¹: Complaints can often be dealt with by individual who received complaint

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6.2 Stage 2: Formal Complaint

The following applies for complainants who wish to formally complain about our service or actions:

- a) Complainant submits a complaint by email using form 6.12.1 in a timely¹ manner.
- b) Complaint Manager:
 - i) acknowledges complaint by email within three working days of complaint receipt
 - ii) appoints an investigator to respond to complaint
 - iii) notifies complainant of outcome within 20 working days of complaint acknowledgement
 - iv) notifies complainant if complaint outcome is delayed
- c) Appointed investigator, investigates complaint grounds based on evidence presented² by the complainant and provides a written report to Complaint Manager.

Note¹: Reasonable for situation i.e. for complaints about a poor standard of service, complaint received within 10 days of alleged poor standard of service.

Note²: Additional information maybe requested to enable the complaint to be investigated. In such cases:

- i) Complainant has 15 working days to provide additional information.
- ii) Response time frame of 20 working days commences once additional information is received.
- iii) Those elements of a complaint reliant on additional information will not be investigated if requested information is not received in 15 working days.

6.3 Stage 3: Complaint Appeal

Review of Stage 2 Formal Complaint to assess if it was proportionate, fair, appropriate and consistent.

The following applies for appellants who appeal the outcome of a Stage 2 Formal Complaint:

- a) Appellant submits an appeal by email using form 6.12.2 within 15 working days of being sent the outcome of a Stage 2 Formal Complaint.
- b) Complaint Manager:
 - i) acknowledges appeal by email within three working days of appeal receipt
 - ii) appoints an investigator to respond to appeal
 - iii) notifies appellant of outcome within 20 working days of appeal acknowledgement
 - iv) notifies appellant if appeal outcome is delayed
- c) Appointed investigator¹, investigates appeal grounds based on evidence presented² by the appellant and provides a written report to Complaint Manager.

Note¹: A different investigator to Stage 2 investigator

Note²: Additional information maybe requested to enable the appeal to be investigated. In such cases:

- i) Appellant has 15 working days to provide additional information.
- ii) Response time frame of 20 working days commences once additional information is received.
- iii) Those elements of an appeal reliant on additional information will not be investigated if requested information is not received in 15 working days.

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6.4 External Escalation

A complainant may externally^{1,2} escalate their complaint in following situations:

- a) They have exhausted our complaints process i.e. up to Stage 3, *and*
- b) They remain dissatisfied with our response, *and*
- c) Complaint is directly related to operational function of our end point assessment process by regulator Ofqual.

Note¹: Any costs involved in external complaint process, are responsibility of complainant.

Note²: Any external timeframe requirements are a matter for complainant to identify with Regulators.

6.4.1 Regulator

In situations where complainant is dissatisfied with the outcome of a Stage 3 complaint appeal, they may contact the regulator¹ directly. The following applies in these situations:

- a) Complainant communicates directly with Regulator
- b) Xact will present its own findings to the Regulator

Note¹: Ofqual

7. Internal Roles

7.1 Internal Complaints

If staff members make a complaint, their manager^{1,2} conducts the investigation.

Note¹: Providing there is no conflict of interest

Note²: Employee: Line Manager. Contractor, self-employed or agency: Supervising Manager

7.2 Complaint Manager

Responsible for monitoring, administering, responding and recording complaint¹ including:

- a) acknowledging complaint by email within five working days of complaint receipt
- b) appointing an investigator to respond to complaint
- c) obtaining a written report from investigator
- d) notifying complainant of outcome within 20 working days of complaint acknowledgement
- e) notifying complainant if complaint outcome is delayed
- f) immediately reporting to PMG all serious or potentially serious matters e.g. criminal acts; equality, diversity and inclusion, litigation, domestic violence etc
- g) managing any conflicts of interest²
- h) managing any other matters e.g. regulator notifications, duty of care, safeguarding etc

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- i) recording complaint e.g. database, logs etc
- j) ensuring standards are maintained and improved as appropriate

Note¹: complaint or complaint appeal

Note²: i.e. staff member implicated in complaint

7.3 Investigator

Responsible for investigating and reporting

- a) investigate complaint^{1, 2}
- b) report any conflicts of interest³
- c) requesting additional information^{4, 5} from a complainant/appellant to enable the matter to be investigated²
- d) providing an objective, fair and unbiased written report to the Complaint Manager within 20⁵ working days of complaint acknowledgement
- e) immediately report all serious or potentially serious matters e.g. criminal acts; equality, diversity and inclusion, litigation, domestic violence etc
- f) report other matters e.g. regulator notifications, duty of care, safeguarding etc

Note¹: Stage 3 Complaint appeals: Different investigator to one who conducted Stage 2 Formal complaint

Note²: Only investigating matters applicable to complaint/appeal and for which suitable evidence is provided.

Note³: i.e. they are implicated in the complaint.

Note⁴: Complainant/Appellant has 15 working days to provide requested information.

Note⁵: When additional information has been requested, response time frame of 20 working days commences once additional information is received.

Note⁶: Those elements of a complaint/appeal will not be investigated if requested information is not received in 15 working days.

7.4 PMG

Responsible for this policy, its compliance and review, including:

- a) advising Complaint Manager and Investigator
- b) ensuring all serious or potentially serious¹ matters are reported to appropriate agency
- c) managing any matters involving litigation
- d) ensuring other parties are notified e.g. regulator for notifiable events, employer for duty of care concerns etc
- e) reviewing and evaluating outcomes to improve internal processes e.g. those relating to complaints, equality, diversity and inclusion, conflict of interest etc

Note¹: E.g. Criminal matters involving money laundering, sexual harassment, safeguarding, prevent etc

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8. Other matters

8.1 Consultation

Staff may be notified of the outcomes of a complaint to improve our services.

8.2 Unfounded Complaints

We reserve the right to take proportionate action against individuals or organisations who make false, vexatious or malicious complaints¹. This may include:

- a) Ceasing to engage with individual or organisation concerned
- b) Suspending course attendance, apprenticeship programme, assessment, qualification, complaint, appeal or any other activity until activity¹ has been resolved

Note¹: See our Vexatious or Malicious Behaviour Policy for more details.

8.3 Associated Policies

This policy should be used in conjunction with other policies e.g.

- a) Conflict of Interest Policy
- b) Data Management Policy
- c) Appeals Policy
- d) Equality, Diversity and Inclusion Policy
- e) Safeguarding Policy
- f) Prevent Policy and British Values Policy
- g) Vexatious or Malicious Behaviour Policy
- h) Standards of Behaviour and Appearance Policy: Individuals