

Complaints

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Version History

Version	Date	Section(s)	Change(s) made
2.0	05/21	All	All content extracted from Enquiries, Complaints and Appeals Policy and Procedures which has now expired.
3.0	07/23	All	Terminology updated.

Purpose

Open Awards is committed to providing the best products and services, although we recognise that sometimes we may not meet expectations.

This document details how a learner registered on an Open Awards qualification, an apprentice registered with Open Awards for their End-point assessment or their employer, or an approved Open Awards provider can make a complaint about the service or products offered by Open Awards or its representatives.

This document replaces all previous enquiries, complaints and appeals policies and procedures as from the operative date.

Scope

This document is applicable for the following Open Awards products and associated services:

Ofqual-regulated qualifications and units	✓
Qualification Wales	✓
Access to HE Diplomas	✓
End-point assessments	✓
Quality endorsed courses	✓
Badge of Excellence	✓

Regulatory Authorities

The relevant regulatory authorities are Ofqual, Qualification Wales and Quality Assurance Agency for Higher Education (QAA). As an approved End Point Assessment Organisation, Open Awards also commits to meet the requirements of the Institute for Apprenticeships and Technical Education (IfATE) and Education and Skills Funding Agency (ESFA).

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 a regulatory authority change, or where inadvertently these procedures conflict with those of the regulatory authority, the latter shall apply. Where the requirements of the regulatory authority are amended and require changes to this document, such changes will be made as soon as practicable and Open Awards will inform providers accordingly.

Audience

This document is for use by the following:

- All staff at Open Awards approved providers.
- Learners registered on Open Awards qualifications and units at an approved provider.
- Private learners registered on Open Awards qualifications and units.
- Apprentices registered with Open Awards for End-point assessment.
- Employers of apprentices registered with Open Awards for End-point assessment and their employers.
- Open Awards staff and Trustees.

Definitions

Complaint	An expression or dissatisfaction with an Open Awards product or service, or the delivery of an Open Awards product by one of its approved providers.
Complainant	The person submitting the complaint.

Responsibility of Providers

- Providers must have complaints arrangements which learners/apprentices can access if they wish to complain about the service received.
- All providers must have complaints policy and procedures in place that aligns with the requirements of the Open Awards Provider Agreement/ Service Level Agreement and this policy.
- All learners must be informed of these arrangements as part of their induction and relevant documents available to all learners throughout their course.
- All provider staff involved in the management, assessment and quality assurance of Open Awards qualifications and units must familiarise themselves with the provider's complaints policy and procedure.
- Learners on Open Awards qualifications and units must be made aware of the contents of the provider's complaints policy.
- Providers must ensure that complaints are handled consistently and in accordance with this document and the provider's own complaints policy.
- Complaints in relation to decisions taken by the provider must go through the provider complaints process before the matter can be referred to Open Awards, with the exception of End-point Assessment. In the latter case, complaints about the End-point Assessment services provided by Open Awards must be made directly to Open Awards.
- Providers should ensure that all concerned are aware of the time limits for submitting a complaint and of the need to retain assessment evidence where necessary.
- Open Awards reserves the right to require an approved provider to amend its procedures so as to be consistent with the guidance in this document.

Policy Statement

Open Awards is committed to providing the best products and services, although we recognise that sometimes we may not meet the expectations of our stakeholders (including learners/ apprentices).

We welcome complaints and value feedback as an important indicator of how Open Awards can improve our service to customers. Open Awards aims to resolve complaints as quickly as possible and, in most cases, will seek to resolve complaints informally.

To make a complaint about any aspect of our service, in the first instance complainants should contact the Customer Service Team at Open Awards on 0151 494 2072, who will seek to rectify the situation as soon as possible. All complaints will be handled sensitively and efficiently.

In cases which cannot be resolved informally, written complaints outlining the reason for your dissatisfaction should be submitted to enquiries@openawards.org.uk providing full details of the complaint including:

- The full name of the complainant.
- Contact details including a daytime telephone number.
- A full description of the complaint (including dates and times where appropriate).
- When the complainant became aware of the issue.
- The nature of the service affected.
- The Open Awards product/ service affected (if relevant).
where appropriate, details of any relevant investigation carried out by the provider, including evidence of the outcome.
- Copies of any evidence (e.g., papers, emails or letters) to do with the complaint.

Learner complaints about a provider will only be considered once the learner has exhausted the provider's own complaints procedures and can provide evidence of this when the complaint is made to Open Awards. Please note, this does not apply to the End-point assessment of apprentices whereby complaints about the End-point assessment services provided by Open Awards must be made directly to Open Awards.

Where a learner is complaining about a provider, the complaint must be received by Open Awards *within 20 working days* of the complainant receiving the outcome of their complaint against the provider. Complaints about products or services directly provided by Open Awards must be submitted to Open Awards *within 20 working days* of the event occurring.

Open Awards will acknowledge receipt *within 5 working days* and will advise the complainant whether the complaint is in or out of scope.

Complaints will normally be investigated by an Open Awards manager not directly responsible for the product or service against which the complaint is being made.

Open Awards will normally provide a full response *within 10 working days* of receipt of the complaint. If the issues raised are more complex or involve staff who are unavailable, it may take longer to investigate; if this is the case we will let you know when we expect to respond.

Appeals against a decision made by Open Awards are covered by the Enquiries and Appeals Policy and Process. Should a complaint be submitted which is in fact an enquiry or an appeal, Open Awards will confirm the basis on which the issue is being addressed.

If an individual is unhappy about the way an assessment has been conducted and suspects that malpractice may have occurred, the concern should be sent to Open Awards in accordance with the arrangements detailed in our Malpractice and Maladministration Policy.

Where the regulators notify us of issues affecting other awarding organisations (e.g. shortcomings in their assessment process) which have possible implications for Open Awards, that notification will be treated as if it were a complaint and the procedures outlined below will be applied.

Confidentiality and Whistleblowing

Open Awards acknowledges that occasionally a complainant may wish to remain anonymous. Whilst Open Awards is prepared to investigate issues which are reported to us anonymously, we will always try to confirm an allegation by means of a separate investigation before taking up the matter with those to whom the complaint/ allegation relates.

In the event of anonymous complaints, the outcome of any investigation will be confidential and Open Awards will not be able to provide any information on what action we have taken. Therefore, it is always preferable for the complainant to reveal their identity and contact details to us, and if concerned about possible adverse consequences, request us not to divulge their identity.

Please note, we are not obliged to disclose information if to do so would be a breach of confidentiality and/ or any other legal duty. At all times we will investigate such complaints from whistle-blowers in accordance with relevant whistle blowing legislation.

Further Avenues of Complaint

Should the complainant remain dissatisfied following receipt of the Open Awards final outcome, they can refer the complaint to the appropriate regulator.

Internal Reviews following a Complaint being Upheld

Should any part of a complaint lead Open Awards to discover a failure in its processes, all reasonable steps will be taken to:

- Identify other learners/ apprentices who have been affected by the failure.
- Correct or where it cannot be corrected, mitigate as far as possible the effect of the failure.
- Ensure that the failure does not recur in the future.

Where the outcome of a complaint raises concerns over the validity of results at a provider, Open Awards will take action to protect the interests of other learners/ apprentices and the integrity of the award of qualifications and/ or units. This may include, for example:

- Further review of learners' work by Open Awards. Up to 100% sample may be requested for verification purposes.
- Review of the unit(s) of assessment through its unit review process.
- Review of the rules of combination for a qualification (if appropriate).

A representative of the Senior Management Team will take responsibility for initiating the most appropriate course of action, and this decision will be taken in conjunction with the Chief Executive Officer.

Open Awards will inform the relevant regulator immediately of any adverse effects and other instances where such action is required.

Exclusions from this Policy

Vexatious Correspondence or Behaviour

Open Awards staff will not engage with persistent/ repeated contact from complainants or abusive complainants. Where a complainant corresponds with Open Awards in an abusive manner or repeatedly and persistently contacts Open Awards with no new information or evidence to bring to investigations, Open Awards will treat such behaviour/ correspondence as **vexatious**.

The following forms of behaviour or correspondence are considered vexatious:

- A complainant being abusive or threatening, either during a telephone conversation, face to face meeting or in written correspondence.
- A complainant repeatedly contacting Open Awards via telephone or email in a given working day without offering new evidence or information.
- Making unreasonable demands on Open Awards outside of the agreed remit of the investigation.
- Making accusatory remarks about Open Awards or the Open Awards' representative managing the case.

In such circumstances, the complainant will be referred to the Open Awards' Chief Executive Officer.

Zero Tolerance

Open Awards endeavours to provide a service which is prompt, courteous, clear and responsive to customer needs. In order to provide the best service; Open Awards is committed to the well-being of its staff and customers.

We expect those using our services and premises to treat other customers and our staff with the courtesy they expect to receive themselves.

Verbal abuse, harassment, disruptive behaviour and violence are unacceptable. In the event of any of these occurring, Open Awards will not hesitate to take action which could lead to the withholding of services, or prosecution.

Monitoring and Review

An annual report on all complaints, including those not upheld, will be made available to the Open Awards' Board of Trustees.

Open Awards will review the policy biennially as part of its self-evaluation arrangements and revise it as and when necessary, in response to customer and learner/apprentice feedback, changes in its practices, advice from the regulatory authorities or external agencies, changes in legislation, or trends identified from previous instances of malpractice or maladministration.

In addition, this policy may be updated in light of operational feedback to ensure our arrangements for dealing with complaints remain effective.

Related Documents

This policy should also be read in conjunction with the following Open Awards documents:

- Provider Agreement
- Provider Handbook
- EPA Handbook
- Access to HE Provider Handbook
- Enquiries and Appeals Policy
- Maladministration and Malpractice Policy and Procedures
- Sanctions Policy and Procedures
- Reasonable Adjustments and Special Considerations Policy and Procedures
- Recognition of Prior Learning Policy and Procedures
- Plagiarism Policy
- Sanctions Policy

Regulatory Requirements

This document is designed to fulfil the requirements of our regulators. In particular:

Ofqual General Conditions of Recognition

- A4 Conflicts of interest
- A6 Identification and management of risks
- A7 Management of incidents
- A8 Malpractice and maladministration
- B3 Notification to Ofqual of certain events
- C1 Arrangements with third parties
- C2 Arrangements with Centres
- G4 Maintaining confidentiality of assessment materials
- H2 Moderation where an assessment is marked by a Centre
- I2 Compliance with Ofqual's appeals and complaints process

QAA AVA Licensing Criteria

- Complaints and appeals
30, 31
- Certification
47, 48
- Provider approval and withdrawal of approval
50n, 54e

Institute of Apprenticeships and Technical Education

End-point Assessment Reasonable Adjustments Guidance

Education and Skills Funding Agency

Conditions for being on the register of end-point assessment organisations

<i>Originator:</i>	<i>Director of Quality and Standards</i>
<i>Date of latest review:</i>	<i>July 2023</i>
<i>Date of last approval:</i>	<i>July 2023</i>
<i>Approved by:</i>	<i>Open Awards Management Team</i>
<i>Review interval:</i>	<i>Biennial</i>
<i>Next review due by:</i>	<i>July 2025</i>